



State Game Commission Public Notice Policy

Agenda Item 10
November 14, 2013



Purpose

- Consistent with Open Meetings Act
- Give the public adequate notice to comment
- Transparency



New vs. Old Policy

New

- NMDGF – post final draft rules 21 days and ASAP
- NMDGF – post final recommendation 14 days
- Viable Alternative should be posted no later than 72 hours prior to meeting
- Public comment will be summarized to commission and interested parties
- Policy only applies to rule making
- Final draft rule and final recommendation may or may not be the same
- Deviations are at the discretion of the Commission by majority vote

Old

- NMDGF – post final draft rules 3 weeks
- NMDGF – post final recommendation 30 days – no changes to the final rule allowed
- Viable Alternative may be posted no later than 2 weeks prior to meeting
- Public comment will be summarized to Commission
- Policy only applies to rule making
- Allows deviation of 1-3 days without Chairman approval.
- Significant deviations may be allowed for good cause – by Chairman



New Mexico State Game Commission DRAFT Policy Statement

It is the policy of the State Game Commission (Commission) that the public, federal, state, tribal, and local governments (interested parties) have adequate opportunity to review and offer comments regarding a rule considered for adoption by the Commission.

Therefore:

1. The final draft of a rule should be made available for public review and comment by posting by the Department of Game and Fish (Department) such that interested parties are afforded at least 21 days from the date of posting to review and submit comments to the Department before the Department makes a final recommendation for a rule. The Department is encouraged to post a final draft of a rule as soon as possible, as early as possible, and well in advance of duly noticed Commission meeting(s) to allow for the most public review and comment from interested parties.
2. The Department shall post a final recommendation for a rule at least 14 days prior to duly noticed Commission meeting at which the rule will be acted on.
3. If through further consideration or subsequent public comment the Department develops a viable alternative to its final recommendation for a rule, that alternative should be posted at least 72 hours prior to the duly noticed Commission meeting at which the rule is to be acted on.



4. Public comment received by the Department after posting of a final recommendation for a rule will be summarized and made available to the Commission and interested parties at the duly noticed Commission meeting at which the rule is to be acted on. The summary need not be in writing.
5. This policy applies only to rule making and does not apply to the Department or the Commission with regard to other actions.
6. The Commission may make changes and amendments to a rule at a duly noticed Commission meeting at which the rule is to be acted on, and it is not bound by the policies identified herein that are applicable to the Department.
7. In its discretion and for cause, the Commission may suspend some or all of the policies described herein, by majority vote, at a duly noticed Commission meeting at which the rule is to be acted on.
8. Post, posted, or posting shall mean and refer to posting to the Department website.



9. Rule shall mean and refer to a proposed rule(s), proposed rule amendment(s), proposed rule amendment summary(s), alternative proposal(s), and/or viable alternative(s).
10. The final draft of a rule may or may not be the same as the final recommendation for a rule.
11. This policy creates no private right of action and does not provide a private remedy.
12. Nothing herein shall be construed to operate in contravention of the Open Meetings Act. In the event there is a conflict between this policy or an action to be taken under this policy and the Open Meetings Act, the Open Meetings Action shall control.
13. If the Commission takes an action that is in accord with the provisions of the Open Meetings Act, then that action shall be deemed to be in accord with this policy.



Policy on Public Notice

- Commission Action