

8-8-15. Commission rules; procedures for adoption.

A. Unless otherwise provided by law, no rule affecting a person outside the commission shall be adopted, amended or repealed except after public notice and public hearing before the commission or a hearing examiner designated by the commission.

B. Notice of the subject matter of the rule, the action proposed to be taken, the manner in which interested persons may present their views and the method by which copies of the proposed rule, amendment or repealing provisions may be obtained shall be published at least once at least thirty days prior to the hearing date in the New Mexico register and two newspapers of general circulation in the state and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice. For each rule, amendment or repealing provision that affects only one or a limited number of municipalities, towns, villages or counties, notice shall be published in the largest circulation newspaper published and distributed locally in those areas as well as in a newspaper of general circulation in the state. Additional notice may be made by posting on the internet or by using other alternative methods of informing interested persons.

C. If the commission finds that immediate adoption, amendment or suspension of a rule is necessary for the preservation of the public peace, health, safety or general welfare, the commission may dispense with notice and public hearing and adopt, amend or suspend the rule as an emergency. The commission's finding of why an emergency exists shall be incorporated in the emergency rule, amendment or suspension filed with the state records center. Upon adoption of an emergency rule that is intended to remain in effect for longer than sixty days, notice shall be given within seven days of filing the rule as required in this section for proposed rules.

D. The commission shall issue a rule within eighteen months following the publication of that proposed rule or it shall be deemed to be withdrawn. The commission may propose the same or revised rule in a subsequent rulemaking.

E. All rules shall be filed in accordance with the State Rules Act [Chapter 14, Article 4 NMSA 1978]. Emergency rules shall be effective on the date the rules are filed with the state records center. All other rules shall be effective fifteen days after filing, unless a later date is provided by the rule.

History: [Laws 1998, ch. 108, § 15](#); [2001, ch. 117, § 1](#).

ANNOTATIONS

Compiler's notes. — [Laws 2020, ch. 9, § 15](#) recompiled former [8-8-15 NMSA 1978](#) as part of Chapter 62, Article 19 NMSA 1978, (see [62-19-21 NMSA 1978](#)), effective January 1, 2023, contingent upon the adoption of Laws 2019, SJC/SRC/SJR Nos. 1 and 4, Constitutional Amendment 1, at the general election held on November 3, 2020. Constitutional Amendment 1 was adopted by a vote of 445,655 for and 355,471 against.

The 2001 amendment, effective July 1, 2001, in Subsection B, revised the procedures for providing notice of proposed rulemaking by changing the day of publication requirement so that notice is to appear thirty days before the hearing date, instead of sixty; changing the publications in which notice shall be posted to two newspapers of general circulation and the New Mexico register, instead of three newspapers; changed the day that notice needs to be mailed to those who provided a written request for advanced notice to thirty days before the hearing date, instead of sixty; and made a provision for emergency rules to become effective the date they are filed in Subsection E.