



The Legislature
of the
State of New Mexico

48th Legislature, Second Session

LAWS 2008

CHAPTER _____

SENATE MEMORIAL 53

Introduced by

SENATOR BERNADETTE M. SANCHEZ
SENATOR JOHN ARTHUR SMITH



1 A MEMORIAL

2 REQUESTING THE CREATION OF THE INTERIM REGULATORY PROCESS AND
3 ADMINISTRATIVE LAW COMMITTEE.

4
5 WHEREAS, in the last three years, the interim committees
6 of the New Mexico legislature have received presentations by
7 constituents on challenges in navigating regulatory
8 procedures and inconsistencies in rulemaking and adjudicatory
9 processes across and between various New Mexico agencies; and

10 WHEREAS, in 1969, New Mexico adopted the Administrative
11 Procedures Act, which provides comprehensive uniform
12 administrative procedures based on the 1961 model state act
13 adopted by the national conference of commissioners on
14 uniform state laws; and

15 WHEREAS, the legislature exempted most administrative
16 actions from coverage under the Administrative Procedures
17 Act; and

18 WHEREAS, the scope and complexity of administrative
19 responsibility has substantially increased since 1969; and

20 WHEREAS, the national conference of commissioners on
21 uniform state laws expects to release a new model
22 administrative procedures act in 2008; and

23 WHEREAS, the legislature needs to consider the proposed
24 model act and whether the act should apply to most, if not
25 all, New Mexico agencies; and

1 WHEREAS, the legislature needs to consider whether
2 broad-based reform will enhance consistency and
3 predictability with respect to rulemaking and adjudicatory
4 procedures; and

5 WHEREAS, the legislature needs to examine the challenges
6 New Mexicans face when navigating administrative processes
7 and identify legislative strategies for improving the
8 essential rulemaking and adjudicatory functions of agencies
9 in order to effectively carry out legislative mandates;

10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
11 STATE OF NEW MEXICO that the interim regulatory process and
12 administrative law committee be created to study the concerns
13 about the regulatory process, review the proposed model
14 administrative procedures act, identify specific areas of
15 reform, make findings and endorse any necessary legislation
16 to improve administrative procedure on rulemaking and
17 adjudication and ensure that agencies carry out the mandates
18 of the legislature, the lawmaking branch of government; and

19 BE IT FURTHER RESOLVED that the interim regulatory
20 process and administrative law committee consist of at least
21 ten voting members appointed by the New Mexico legislative
22 council; and

23 BE IT FURTHER RESOLVED that five members be from the
24 house of representatives, with at least two from the minority
25 party, and five members be from the senate, with at least two

1 from the minority party; and

2 BE IT FURTHER RESOLVED that the New Mexico legislative
3 council designate the co-chairs; and

4 BE IT FURTHER RESOLVED that the co-chairs of the interim
5 regulatory process and administrative law committee be one
6 member of the house of representatives and one member of the
7 senate from the membership as appointed by the New Mexico
8 legislative council; and

9 BE IT FURTHER RESOLVED that the interim regulatory
10 process and administrative law committee be staffed by the
11 legislative council service and the director of the
12 administrative law division of the New Mexico commission of
13 public records; and

14 BE IT FURTHER RESOLVED that copies of this memorial be
15 transmitted to the governor, the attorney general and the
16 director of the administrative law division of the New Mexico
17 commission of public records.

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s/Diane D. Denish
Diane D. Denish, President
Senate

s/Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

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