1	HOUSE BILL 159
2	55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021
3	INTRODUCED BY
4	Randall Pettigrew and Larry R. Scott and Rebecca Dow
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10	AN ACT
11	RELATING TO RULEMAKING; PROHIBITING RULEMAKING DURING THE
12	PERIOD OF A PUBLIC HEALTH ORDER UNLESS THE GOVERNOR PUBLICLY
13	SETS FORTH THE NECESSITY FOR THE RULEMAKING IN AN EXECUTIVE
14	ORDER; DECLARING AN EMERGENCY.
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16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
17	SECTION 1. Section 12-10A-17 NMSA 1978 (being Laws 2003,
18	Chapter 218, Section 17, as amended) is amended to read:
19	"12-10A-17. RULEMAKING
20	A. The secretary of public safety, the secretary of
21	health, the state director and, where appropriate, other
22	affected state agencies in consultation with the secretaries
23	and state director, shall promulgate and implement rules that
24	are reasonable and necessary to implement and effectuate the
25	Public Health Emergency Response Act.
	.218679.1

1	<u>B. When a public health order is in effect, an</u>
2	agency as defined in the State Rules Act shall not promulgate
3	additions or alterations to the New Mexico Administrative Code
4	unless the proposed rule changes are authorized by the
5	governor. When authorizing additions or alterations to the New
6	Mexico Administrative Code, the governor shall issue an
7	executive order setting forth how the proposed rule changes:
8	(1) impact the prices of goods and services
9	for New Mexico consumers;
10	(2) increase or decrease the cost of business
11	operations in the impacted industries;
12	(3) impact the overall regulatory climate in
13	<u>the state for businesses looking to grow or establish in or</u>
14	relocate to the state; and
15	(4) are the least restrictive means to achieve
16	the intended public health and safety objectives of the
17	proposed rule changes."
18	SECTION 2. EMERGENCYIt is necessary for the public
19	peace, health and safety that this act take effect immediately.
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