



NEW MEXICO

Commission of Public Records

at the State Records Center and Archives

Your Access to Public Information

RULEMAKING -- STATE RULES ACT, § 14-4-1 ET SEQ.

August 12, 2022

Administrative Law Division, Commission of Public Records

- ❑ The Administrative Law Division (ALD) administers the State Rules Act that governs the official filing and publication of rules developed by executive state agencies.
- ❑ State rules are a special category of law written by state agencies to support, clarify, or implement the statutes enacted by the Legislature.
- ❑ They affect every individual in New Mexico and can include building codes, air quality standards, tax codes, public assistance and public health regulations. To mention just a few.

Relevant Parts of the Act Regarding Rulemaking

14-4-3. FORMAT OF RULES; FILING; DISTRIBUTION.

A. Each agency promulgating any rule shall place the rule in the format and style required by rule of the state records administrator and shall deliver the rule to the state records administrator or the administrator's designee, **accompanied by the concise explanatory statement** required by the State Rules Act. The state records administrator or the administrator's designee shall note thereon the date and hour of filing.

14-4-5. TIME LIMIT ON ADOPTION OF A PROPOSED RULE-- FILING AND COMPLIANCE REQUIRED FOR VALIDITY.

Except in the case of an emergency rule, no rule shall be valid or enforceable until it is published in the New Mexico register as provided by the State Rules Act.

14-4-7.1. NEW MEXICO REGISTER.

B. The New Mexico register shall be the official publication for all notices of rule makings and filings of adopted rules, including emergency rules, by agencies.

(1) The register shall include the full text of any adopted rules, including emergency rules. Proposed rules may be published in full or in part at the discretion of the issuing agency.

(2) Upon request of an issuing agency, the state records administrator may determine that publication in the register of the full text of an adopted rule would be unduly cumbersome, expensive or otherwise inexpedient, and may publish instead a synopsis of the adopted rule and a statement that a copy of the rule is available from the issuing agency.

State Rules Act: rulemaking rules

Notices and rules:

1.24.10 NMAC – New Mexico Administrative Code

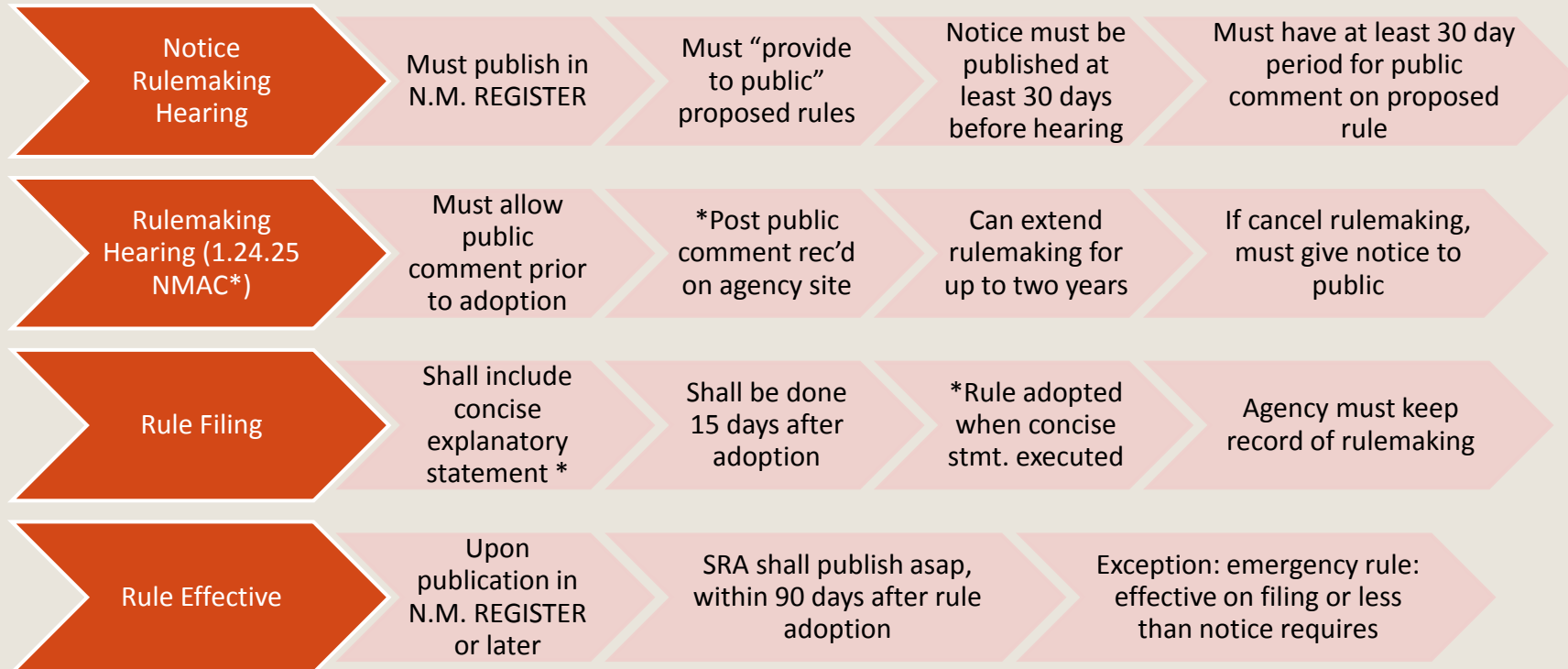
1.24.15 NMAC – New Mexico Register

Rulemaking process:

1.24.25 NMAC - Default Procedural Rule for Rulemaking

Rulemaking chart

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Style and Citation Guidelines



Administrative Law Division Style and Citation Guidelines¹ 1.24.10.12 NMAC, Style 1.24.10.9 NMAC, NMAC Citation 2015 New Mexico Legislative Drafting Manual

BRACKETS, STRIKE-THROUGH AND UNDERSCORE

Deleted language from existing law must be ~~strike-through-and-strike-through~~ and added language must be underscore. ~~Deleted language~~ always comes before new language. Do not place added underscore language in between deleted bracketed language. Do not delete or add parts of words. Do not strike through brackets. You do not need to strike through or underscore when the only change consists of deleting or adding punctuation.

Example:

1.13.10.2 SCOPE. ~~All agencies that utilize the records-computer services and state vehicles.~~ All state agencies and any public entity that use the state records center services.

NUMBERS

Always spell out number values less than 10. Use figures for numbers 10 or greater, except when at the beginning of a sentence. Do not use both alpha and numeric values together, except for dollar amounts. Spell out percentages and percent, except in tables, then use figures and symbols. Spell out fractions. Insert a hyphen between numerator and denominator, unless either element contains a hyphen. Insert a hyphen within compound numbers. Avoid special symbols, use common abbreviation or full spelling. In tables you may use symbols like %, \$, €, °, °C, °F, <, >.

Example:

Eight, not "8"	"80", not eighty and not eighty (80)
Ninety-five percent, not "95%"	five tenths of one percent, not "0.5%"
one and seventy-eight one-hundredths percent, not "0.178%"	(14% allowed when used in a table)
one-fourth, not "1/4"	three and two-fifths, not "3 2/5"
fifty-five degrees, not "55°"	30 pounds or 30 lbs.
Section 10-11-12 NMSA 1978	12 inches, not "12"

MONEY

Figures and symbols may represent amounts of money. It is not necessary to spell out the number. If a sum of money is spelled out, follow the spelling with figures and the dollar symbol (\$) in parentheses.

Example:

\$1.00	\$99.99	\$4.78	\$419,057.50	\$514
seventy-five dollars (\$75)	\$450	\$3,000		

No need to include cents ".00" unless cents are included in the value.

OTHER LANGUAGE STYLES

The following punctuation rules are specific to the Legislative Council Service (LCS).

- there are always two spaces after periods, except for a title (e.g., Ms. or Mr.) or an allowed abbreviation. There are always two spaces after colons.
- language shall be gender neutral. Do not use he, she, (s)he or he/she unless referring to something specifically masculine or feminine.
- never use "and/or". If the intent is that any of several items, including all items, is sufficient, use the disjunctive "or". If the intent is that all items are necessary, use the conjunctive "and".
- reference to "the state of New Mexico" is unnecessary. New Mexico cannot legislate for another state. When necessary to refer to the state, use either "New Mexico" or "state".

CAPITALIZATION

Do Capitalize:

- every letter of the heading, title and enacting clause of a bill or rule and every letter of section headings;
 - Section 10. BOARD CREATED - APPOINTMENT TERMS;
- the first letter of proper names: United States, John Smith, New Mexico;
- short titles of acts: Blue Sky Law, Conflict of Interest Act, Sunset Act, federal Clean Water Act of 1977 (note that "federal" is not part of short title, so it is not capitalized);
- specific divisions of the calendar: January, December, Monday, Tuesday;
- derivatives of proper names: Spanish, English, Indian, American.

Do Not Capitalize:

- general political subdivisions or geographic areas, whether used in conjunction with a proper name or not: state of New Mexico, county of Dona Ana, Chaves county, Pecos river, Elephant Butte lake, Navajo Lake state park, university of New Mexico;
- boards, commissions, institutions and other bodies: New Mexico medical board, department of health, New Mexico legislature, bureau of land management, house of representatives;
- titles of officials, whether elective or appointive: director, commissioner, secretary, governor unless the title is used in addressing them: Governor Martinez;
- time of day: 7:00 a.m. - 6:30 p.m., noon;
- derivatives of proper names with acquired independent meanings: firebreath, arabic numbers, wart.

BOOK TITLES

Book titles should be written without quotation marks in italic font with each word capitalized except for words like and, of, the, etc.

Example:

Legislative Drafting Manual Wild Mammals of North America National Electrical Code

LANGUAGE STYLE AND PROVISIONS

The American Heritage Dictionary of the English Language is used as the LCS primary language authority. *Fowler's Modern English Usage* is used by LCS proofing office for questions of grammar and syntax. Make sure to convert British English to American English. Also, proofreaders should consult with certain provisions of *The Elements of Style* by Strunk and White and *The Chicago Manual of Style*.

STATUTE AND RULE CITATIONS

Statutes:

- write as: Subsection D of Section 10-15-1 NMSA 1978; Do not write as: Section 10-15-1(D), NMSA 1978 or as: NMSA 1978, § 10-15-1(D);
- write as: Subparagraph (e) of Paragraph (1) of Subsection B of Section 14-4-5.3 NMSA 1978; Do not write as: Section 14-4-5.3(B)(1)(e), NMSA 1978 or as: NMSA 1978, § 14-4-5.3(B)(1)(e);
- for full citation, write as: Section 10 of the State Rules Act, Section 14-4-1 NMSA 1978.

Rules:

- write as: Subsection C of 12.19.2.9 NMAC; Do not write as: 12.19.2.9(C) NMAC;
- write as: Paragraph 5 of Subsection C of 12.19.2.9 NMAC; do not write as: 12.19.2.9(C)5 NMAC;
- for full citation write as: Digital / Electronic Signature, State Commission of Public Records and State Records Administrator, 1.12.7 NMAC (7/1/2015).

¹ This document is meant to be a very condensed list of guidelines. It in no way represents any change to any of the requirements contained within 1.24.10.12 NMAC, 1.24.10.9 NMAC or the *Legislative Drafting Manual*. If you have specific questions, please do not hesitate to contact your analyst.

2022 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXXIII, Issues 1-24

Issue	Submittal Deadline	Publication Date
Issue 1	January 4	January 11
Issue 2	January 13	January 25
Issue 3	January 27	February 8
Issue 4	February 10	February 22
Issue 5	February 24	March 8
Issue 6	March 10	March 22
Issue 7	March 24	April 5
Issue 8	April 7	April 19
Issue 9	April 21	May 3
Issue 10	May 5	May 24
Issue 11	May 26	June 7
Issue 12	June 9	June 21
Issue 13	July 1	July 12
Issue 14	July 14	July 26
Issue 15	July 28	August 9
Issue 16	August 11	August 23
Issue 17	August 25	September 13
Issue 18	September 15	September 27
Issue 19	September 29	October 11
Issue 20	October 13	October 25
Issue 21	October 27	November 8
Issue 22	November 17	November 29
Issue 23	December 1	December 13
Issue 24	December 15	December 27

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other material related to administrative law. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7, 1 NMSA 1978. The *New Mexico Register* is available free online at: <http://www.srea.nm.gov/new-mexico-register/>. For further information, call 505-476-7941

Rulemaking Hearing, Adoption

Newer statutory requirements for agencies (2018);

NOT within Admin. Law purview;

Agencies that do NOT have rulemaking rule, must follow A.G.O. rule: 1.24.25 NMAC

Record of Rulemaking [Retention period: 1.21.2.633 NMAC, Hearings and Appeals – Historical: permanent transfer to Archives 10 years after file closed.]

Rulemaking: Flowchart

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1 Does agency have board or commission?

- Yes
 - vote to begin rulemaking must be done in open session*
 - if petition for rule properly made from public, must be voted on in open session*
- No, go to step # 2

2 Is rule emergency?

- Yes
 - must make emergency finding: necessary for public health safety welfare, loss funding, or to prevent violation of federal law
 - must make and file justification for emergency
 - must provide finding and justification to public
 - can be filed asap (w/out 30 days) and published
 - effective immediately on filing or later
 - in effect for only 180 days
- No, go to step # 4

3 Want rule to be permanent?

- yes, if within 180 days, go to # step 4
- No
 - do nothing, emergency rule will expire

Rulemaking: Flowchart

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4 PUBLISH NOTICE OF RULEMAKING

- notice must be published 30 days before hearing
- must have at least 30 day public comment period on proposed rule
- must provide proposed rule to public
- if get comment, must post on agency website asap and no more than 3 business days after receipt*

5 HOLD RULE HEARING

- Have to allow public comment at hearing
- if amendment made to proposed rule, must fall within scope of rulemaking*
- if agency has public board, then rules considered and adopted in open session*
- keep comments: **record of rulemaking**: post on website, sunshine portal

6 RULE ADOPTION

- rule is adopted on date agency signed *concise explanatory statement**
- must be filed w/in 15 days of adoption

*1.24.25 nmac

Rulemaking: Flowchart

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7 RULE FILING

- must be accompanied by completed *Transmittal Form* (w/ concise explanatory statement attached)
- must be published w/in 90 days of adoption
- rule becomes effective on date of publication or later

Agencies w/ no procedural rulemaking rule, must follow 1.24.25 nmac*

Agencies may adopt own rule, in whole or in part, so long as rules follow state rules act and provide as much opportunity for public participation as 1.24.25 nmac*

*1.24.25 nmac

Rule Filing

Must be done within 15 days after rule adoption
Rule is adopted date concise statement signed
Transmittal Form: concise explanatory statement
Must conform with rulemaking rules: 1.24.10
NMAC; 1.24.15 NMAC; and 1.24.25 NMAC

NMAC Transmittal Form



Volume: Issues: Publication Date: Number of pages: (ALD Use Only) Sequence No.

Issuing agency name and address: Agency DFA code:

Contact person's name: Phone number: E-mail address:

Type of rule action: New Amendment Repeal Emergency Renumber (ALD Use Only) Most Recent Filing Date:

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

Amendment Description (If filing an Amendment): Amendment's NMAC Citation (If filing an Amendment):

Are there any materials incorporated by reference? Please list attachments or Internet sites if applicable.
Yes No

If materials are attached, has copyright permission been received? Yes No Public domain

Concise Explanatory Statement for rulemaking adoption:

Specific statutory or other authority authorizing rulemaking:

Notice date(s): Rule Hearing date(s): Rule Adoption date: Rule Effective date:

Findings required for rulemaking adoption.

- Findings MUST include:
- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
 - Reasons for any change between the published proposed rule and the final rule; and
 - Reasons for not accepting substantive arguments made through public comment.

Continued on next page

4/12/2018

Findings required for rulemaking adoption (continued)



Issuing authority (If delegated, authority letter must be on file with ALD):
Name: Check if authority has been delegated

Title:

Signature: (BLACK ink only) Date signed:

4/12/2018

Sequence number is for ALD use only.

Issuing agency's name and mailing address.

Agency's 3-digit DFA code. Example: 123

Contact person's Name, Phone number, E-mail address.

Check type of rule action: **New** (brand new rule or replacement rule), **Amendment**, **Repeal** (repeal and do not replace or repeal and replace), **Emergency**, or **Renumber**. For a repeal and replacement rule, the agency must provide **TWO** signed transmittal forms; one for the repeal statement and another for the new (replacement) rule.

Most Recent Filing Date of the Part for ALD use only.

Identify NMAC Title, Chapter and Part numbers and Title, Chapter and Part names.

Example:

Title 19 Natural Resources and Wildlife
Chapter 30 Wildlife Administration Aquatic
Part 14 Invasive Species

Description of Amendment: (if amending) Example: "Amending three sections".

Amendment's NMAC citation: (if amending) Example: "Sections 9 and 18 of 7.1.13 NMAC".

Are any materials incorporated by reference? Check: Yes or No. If Yes, please list attachments or provide Internet site.

If incorporated, has copyright permission been granted? Check Yes or No or check if document is in the public domain.

Concise Explanatory Statement for rulemaking adoption See 1.24.25.14 NMAC:

Provide your agency's specific statutory or other authority authorizing rulemaking: Check with your agency's general counsel office to determine the correct citation(s) authorizing your agency to make rules.

Provide your Notice date(s) (when notice of rulemaking was published in Register): Rule Hearing date(s) :

Rule adoption date: and Rule effective date (date rulemaking becomes effective)

Note:

- There must be at least 30 days between the notice date and hearing date.
- Your agency must file your rule within 15 days from rule adoption date. The date of adoption of the proposed rule shall be the date the concise explanatory statement is signed by the agency, unless otherwise specified in the concise explanatory statement. Unless your rule is an emergency filing, the rule effective date cannot be any earlier than the publication date in the New Mexico Register.

Findings required for rulemaking adoption. If attaching a separate document as findings or as concise explanatory statement, please indicate as such in findings section.

Check with your agency's general counsel office regarding substance of any required findings to be filed.

Issuing Authority: Name, Title Date signed and original Signature of issuing authority or their delegate in black ink:

Note: If authority has been delegated, this box must be checked. A letter of delegation must be on file with the State Records Center and Archives, Administrative Law Division.

www.srca.nm.gov

Forms: <http://www.srca.nm.gov/forms>

Register: <https://www.srca.nm.gov/nmac-home/new-mexico-register/>

NMAC: <https://www.srca.nm.gov/nmac-home/>

Questions?

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NEW MEXICO

Commission of Public Records

at the State Records Center and Archives

Your Access to Public Information

**Statutes significantly amended or
added as a result of HB 58**

Section 14-4-2 : Definitions

F. "rule" means any rule, regulation, or standard, including those that explicitly or implicitly implement or interpret a federal or state legal mandate or other applicable law and amendments thereto or repeals and renewals thereof, issued or promulgated by any agency and purporting to affect one or more agencies besides the agency issuing the rule or to affect persons not members or employees of the issuing agency, including affecting persons served by the agency. An order or decision or other document issued or promulgated in connection with the disposition of any case or agency decision upon a particular matter as applied to a specific set of facts shall not be deemed such a rule, nor shall it constitute specific adoption thereof by the agency. "Rule" does not include rules relating to the management, confinement, discipline or release of inmates of any penal or charitable institution, the New Mexico boys' school, the girls' welfare home or any hospital; rules made relating to the management of any particular educational institution, whether elementary or otherwise; or rules made relating to admissions, discipline, supervision, expulsion or graduation of students from any educational institution;

Section 14-4-2 : Definitions

D. "proposed rule" means a rule that is provided to the public by an agency for review and public comment prior to its adoption, amendment or repeal, and for which there is specific legal authority authorizing the proposed rule;

E. "provide to the public" means for an agency to distribute rulemaking information by: (1) posting it on the agency website, if any; (2) posting it on the sunshine portal; (3) making it available in the agency's district, field and regional offices, if any; (4) sending it by electronic mail to persons who have made a written request for notice from the agency of announcements addressing the subject of the rulemaking proceeding and who have provided an electronic mail address to the agency; (5) sending it by electronic mail to persons who have participated in the rulemaking and who have provided an electronic mail address to the agency; (6) sending written notice that includes, at a minimum, an internet and street address where the information may be found to persons who provide a postal address; and (7) providing it to the New Mexico legislative council for distribution to appropriate interim and standing legislative committees;

Section 14-4-3 : Format

- A. Each agency promulgating any rule shall place the rule in the format and style required by rule of the state records administrator and shall deliver the rule to the state records administrator or the administrator's designee, accompanied by the concise explanatory statement required by the State Rules Act. The state records administrator or the administrator's designee shall note thereon the date and hour of filing.

- B. The state records administrator or the administrator's designee shall maintain a copy of the rule as a permanent record open to public inspection during office hours, on the website of the records center, published in a timely manner in the New Mexico register and compiled into the New Mexico Administrative Code.

- C. At the time of filing, an agency may submit to the state records administrator or the administrator's designee a copy, for annotation with the date and hour of filing, to be returned to the agency.

- D. The state records administrator, after written notification to the filing agency, may make minor, non-substantive corrections in spelling, grammar and format in filed rules. The state records administrator shall make a record of the correction and shall deliver the record to the filing agency and issuing authority within ten days of the change. Within thirty days of receiving that state records administrator's record of a correction, the agency shall provide to the public notice of the correction in the same manner as the agency used to give notice of the rulemaking proceeding pursuant to Section 4 of this 2017 act.

Section 14-4-5 : Time limits

TIME LIMIT ON ADOPTION OF A PROPOSED RULE-- FILING AND COMPLIANCE REQUIRED FOR VALIDITY.

- A. Except in the case of an emergency rule, no rule shall be valid or enforceable until it is published in the New Mexico register as provided by the State Rules Act.
- B. An agency shall not adopt a rule until the public comment period has ended. If the agency fails to take action on a proposed rule within two years after the notice of proposed rulemaking is published in the New Mexico register, the rulemaking is automatically terminated unless the agency takes action to extend the period. The agency may extend the period of time for adopting the proposed rule for an additional period of two years by filing a statement of good cause for the extension in the rulemaking record, but it shall provide for additional public participation, comments and rule hearings prior to adopting the rule.
- C. An agency may terminate a rulemaking at any time by publishing a notice of termination in the New Mexico register. If a rulemaking is terminated pursuant to this section, the agency shall provide notice to the public.
- D. Within fifteen days after adoption of a rule, an agency shall file the adopted rule with the state records administrator or the administrator's designee and shall provide to the public the adopted rule. The state records administrator or the administrator's designee shall publish rules as soon as practicable after filing, but in no case later than ninety days after the date of adoption of the proposed rule. Unless a later date is otherwise provided by law or in the rule, the effective date of a rule shall be the date of publication in the New Mexico register.
- E. A proposed rule shall not take effect unless it is adopted and filed within the time limits set by this section.

Section 14-4-5.2 Notice of Rulemaking

A. Not later than thirty days before a public rule hearing, the agency proposing the rule shall provide to the public and publish in the New Mexico register a notice of proposed rulemaking.

The notice shall include: (1) a summary of the full text of the proposed rule; (2) a short explanation of the purpose of the proposed rule; (3) a citation to the specific legal authority authorizing the proposed rule and the adoption of the rule; (4) information on how a copy of the full text of the proposed rule may be obtained; (5) information on how a person may comment on the proposed rule, where comments will be received and when comments are due; (6) information on where and when a public rule hearing will be held and how a person may participate in the hearing; and (7) a citation to technical information, if any, that served as a basis for the proposed rule, and information on how the full text of the technical information may be obtained.

Section 14-4-5.3, Public Participation, Comments & Rule Hearings

A. The notice of proposed rulemaking shall specify a public comment period of at least thirty days after publication in the New Mexico register during which a person may submit information and comment on the proposed rule. The information or comment may be submitted in an electronic or written format or at a public rule hearing pursuant to Subsection B of this section. The agency shall consider all information and comment on a proposed rule that is submitted within the comment period.

B. At the public rule hearing, members of the public shall be given a reasonable opportunity to submit data, views or arguments orally or in writing. Each agency shall determine, in accordance with governing statutory and case law, the manner in which parties to the proceeding and members of the public will be able to participate in public hearings. All public hearings shall be conducted in a fair and equitable manner. Except as otherwise provided by law, an agency representative or hearing officer shall preside over a public rule hearing.

C. The public rule hearing shall be open to the public and be recorded.

Section 14-4-5.4, Agency Record

AGENCY RECORD IN RULEMAKING PROCEEDING.--

A. An agency shall maintain a rulemaking record for each rule it proposes to adopt. The record and materials incorporated by reference in the proposed rule shall be readily available for public inspection in the central office of the agency and available for public display on the state sunshine portal. If an agency determines that any part of the rulemaking record cannot be practicably displayed or is inappropriate for public display on the sunshine portal, the agency shall describe that part of the record, shall note on the sunshine portal that the part of the record is not displayed and shall provide instructions for accessing or inspecting that part of the record.

B. A rulemaking record shall contain:

- (1) a copy of all publications in the New Mexico register relating to the proposed rule;
- (2) a copy of any technical information that was relied upon in formulating the final rule;
- (3) any official transcript of a public rule hearing or, if not transcribed, any audio recording or verbatim transcript of the hearing, and any memoranda summarizing the contents of the hearing prepared by the hearing officer or agency official who presided over the hearing;
- (4) a copy of all comments and other material received by the agency during the public comment period and at the public hearing;
- (5) a copy of the full text of the initial proposed rule and the full text of the final adopted rule and the concise explanatory statement filed with the state records administrator or the administrator's designee; and
- (6) any corrections made by the state records administrator pursuant to Section 14-4-3 NMSA 1978.

Section 14-4-5.5 Concise Explanatory Statement

At the time it adopts a rule, an agency shall provide to the public a concise explanatory statement containing:

- A. the date the agency adopted the rule;
- B. a reference to the specific statutory or other authority authorizing the rule; and
- C. any findings required by a provision of law for adoption of the rule."

Section 14-4-5.6, Emergency Rules

- A. An agency shall comply with the rulemaking procedures of the State Rules Act unless the agency finds that the time required to complete the procedures would:
- (1) cause an imminent peril to the public health, safety or welfare;
 - (2) cause the unanticipated loss of funding for an agency program; or
 - (3) place the agency in violation of federal law.
- B. The agency shall provide to the public a record of any finding pursuant to Subsection A of this section and a detailed justification for that finding before issuing an emergency rule. The record shall include a statement that the emergency rule is temporary. After such record has been provided to the public, the agency may issue the emergency rule immediately without a public rule hearing or with any abbreviated notice and hearing that it finds practicable.
- C. When an agency makes a finding pursuant to Subsection A of this section, the agency shall follow the provisions of this section in addition to any more specific requirements in statute that pertain to the agency regarding promulgating emergency or interim rules.
- D. Emergency rules may take effect immediately upon filing with the state records administrator or the administrator's designee or at a later date specified in the emergency rule. Emergency rules shall be published in the New Mexico register.
- E. No emergency rule shall permanently amend or repeal an existing rule. An emergency rule shall remain in effect until a permanent rule takes effect under the normal rulemaking process. If no permanent rule is adopted within one hundred eighty days from the effective date of the emergency rule, the emergency rule shall expire and may not be readopted as an emergency rule. If an expired emergency rule temporarily amended or repealed an existing rule, the rule shall revert to what it would have been had the emergency rule not been issued."

Section 14-4-5.7 Conflicts between Rule and Statute

Section 14-4-5.7 NMSA 1978, CONFLICTS BETWEEN RULE AND STATUTE--VARIANCE BETWEEN PROPOSED AND FINAL ACTION.

- A. No rule is valid or enforceable if it conflicts with statute. A conflict between a rule and a statute is resolved in favor of the statute.
- B. A word or phrase that is defined in an applicable statute should not be defined in rule. A conflict between a definition that appears in a rule and in an applicable statute is resolved in favor of the statute.