

**TITLE 1            GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 24      RULES**  
**PART 25          DEFAULT PROCEDURAL RULE FOR RULEMAKING**

**1.24.25.1            ISSUING AGENCY:** New Mexico Office of the Attorney General, 408 Galisteo Street, Santa Fe, NM 87501.

[1.24.25.1 NMAC - N, 04/10/2018]

**1.24.25.2            SCOPE:** State agencies that have not adopted their own procedural rules consistent with the State Rules Act, Sections 14-4-1 to -11 NMSA 1978 (1967, as amended through 2017).

[1.24.25.2 NMAC - N, 04/10/2018]

**1.24.25.3            STATUTORY AUTHORITY:** Section 14-4-5.8 NMSA 1978.

[1.24.25.3 NMAC - N, 04/10/2018]

**1.24.25.4            DURATION:** Permanent.

[1.24.25.4 NMAC - N, 04/10/2018]

**1.24.25.5            EFFECTIVE DATE:** April 10, 2018, unless a later date is cited at the end of a section.

[1.24.25.5 NMAC - N, 04/10/2018]

**1.24.25.6            OBJECTIVE:** To provide default procedural rules for public rule hearings for use by agencies that have not adopted their own procedural rules consistent with the State Rules Act and to facilitate public engagement with the administrative rulemaking process in a transparent, organized, and fair manner.

[1.24.25.6 NMAC - N, 04/10/2018]

**1.24.25.7            DEFINITIONS:** This rule adopts the definitions found in Section 14-4-2 NMSA 1978.

[1.24.25.7 NMAC - N, 04/10/2018]

**1.24.25.8            AGENCY ADOPTION OF PROCEDURAL RULES:**

**A.** Agencies that have not adopted their own procedural rules consistent with the State Rules Act shall apply these default rules, until such time as they have adopted their own rules.

**B.** Agencies may adopt these default rules, in whole or in part as their own, or continue to use their existing rules, so long as those rules satisfy the requirements of the State Rules Act and provide as much opportunity for public participation as provided by these rules.

**C.** Agencies that adopt their own rules must submit a copy to the office of the attorney general within 30 calendar days of adoption, and post a copy of those rules on the agency's website, if one exists.

[1.24.25.8 NMAC - N, 04/10/2018]

**1.24.25.9            INITIATION OF THE RULEMAKING PROCESS BY AN AGENCY:**

**A.** The rulemaking process may be initiated by an agency when a notice for a rule hearing is publicly posted pursuant to this rule.

**B.** The agency shall proceed with the rulemaking process by posting public notice, publishing the proposed rule for comment, and setting a public rule hearing in accordance with the State Rules Act and any other applicable law.

**C.** If the agency is a public body subject to the Open Meetings Act, the decision to initiate the rulemaking process must be an action taken by vote of the public body in open session.

**D.** Once the agency initiates the rulemaking process, the agency must maintain a record as prescribed in Section 14-4-5.4 NMSA 1978.

[1.24.25.9 NMAC - N, 04/10/2018]

**1.24.25.10           INITIATION OF THE RULEMAKING PROCESS BY THE PUBLIC:**

**A.** Any person may file a petition for rulemaking with an agency.

**B.** A petition for rulemaking shall be made in writing and include an explanation of the purpose or statement of reasons for the proposed rule. A petition shall include a citation to the legal authority authorizing the agency to adopt the rule and a copy of or citation to technical information, if any, that serves as the basis for the

proposed rule. A petition should be as clear as possible and may include the proposed rule in underline and strikethrough format, consistent with requirements of the state records administrator.

C. The agency to which a petition is made shall, if required by law, consider the petition and make a determination whether to grant or deny the petition. If the agency denies the petition, it shall issue a concise written statement explaining its reason for denial. No affirmative duty to respond to a public petition is created by these rules. If a public right to petition an agency exists in law, the agency must follow all timelines or responses governed by law of the agency.

D. If the agency is a public body subject to the Open Meetings Act, the decision to grant a petition must be an action taken by vote of the public body in open session.

E. Once the agency initiates the rulemaking process, the agency must maintain a record as prescribed in Section 14-4-5.4 NMSA 1978.

[1.24.25.10 NMAC - N, 04/10/2018]

**1.24.25.11 RULEMAKING NOTICE:** The agency shall provide to the public, as defined in Section 14-4-2 NMSA 1978, notice of the proposed rulemaking a minimum of 30 calendar days prior to the public rule hearing and in accordance with requirements of Section 14-4-5.2 NMSA 1978.

[1.24.25.11 NMAC - N, 04/10/2018]

**1.24.25.12 WRITTEN COMMENT PERIOD:**

A. The public comment period must be at least 30 calendar days, beginning after publication of the notice in the New Mexico register and issuance of the rulemaking notice. The agency shall not adopt a proposed rule before the end of the public comment period.

B. A person may submit, by mail or electronic form, written comments on a proposed rule, and those comments shall be made part of the record. Written comments may be submitted through the end of the public comment period.

C. The agency may decide to amend the comment period if it provides to the public, as defined in Section 14-4-2 NMSA 1978, notice of the changes.

D. The agency shall post all written comments on its website, if one exists, as soon as practicable, and no more than 3 business days following receipt to allow for public review. All written comments received by the agency shall also be available for public inspection at the main office of the agency.

[1.24.25.12 NMAC - N, 04/10/2018]

**1.24.25.13 PUBLIC HEARING:**

A. Prior to adopting a proposed rule, the agency must hold a public rule hearing. The purpose of the hearing is to provide all interested persons a reasonable opportunity to submit data, views or arguments orally or in writing on the proposed rule. The agency, at its sole discretion, may determine whether to hold more than one hearing.

B. The agency may act as the hearing officer or designate an individual hearing officer to preside over the hearing. The hearing officer may ask questions and provide comments for clarification purposes only, but should refrain from providing opinions or engaging in discussion regarding the merits of the proposed rule or any public comment presented.. The hearing officer shall identify and mark all written comments submitted during the public comment period, as well as any written comments submitted during the hearing. The public comment should be labeled as exhibits for reference, but do not require formal admission into the hearing record.

D. Individuals wishing to provide public comment or submit information at the hearing must state their name and any relevant affiliation for the record and be recognized before presenting. Public comment shall not be taken under oath unless required by law or separate rule of the agency. Any individual who provides public comment at the hearing may be questioned by the agency or hearing officer or, at the discretion of the agency or hearing officer, or as otherwise provided by law, by other persons at the hearing.

E. The hearing shall be conducted in a fair and equitable manner. The agency or hearing officer may determine the format in which the hearing is conducted (e.g. introduction of each part or section one at a time for comment), but the hearing should be conducted in a simple and organized manner that facilitates public comment and a clear rulemaking record.

F. The rules of evidence do not apply to public rule hearings and the agency or hearing officer may, in the interest of efficiency, exclude or limit comment or questions deemed irrelevant, redundant, or unduly repetitious.

**G.** The agency must hold the hearing in a venue that reasonably accommodates all persons who wish to participate or observe, and appropriate audio equipment should be secured to ensure all in attendance can hear the proceeding and be heard when presenting comment. Reasonable efforts shall be made to accommodate the use of audio and video recording devices. Hearings shall be open to the public, but are not subject to the New Mexico Open Meetings Act, unless conducted by a quorum of a public body.

**H.** The hearing shall be recorded by any stenographic method in use in the district court or by audio recording.

[1.24.25.13 NMAC - N, 04/10/2018]

**1.24.25.14 RULEMAKING RECORD AND ADOPTION OF RULE:**

**A.** The agency shall maintain a record of the rulemaking proceeding as required in Section 14-4-5.4 NMSA 1978, and any written comment, document, or other exhibit entered into the record during the rule hearing shall be labeled clearly. Pre-filed written comments are part of the rulemaking record without the need for formal admission. Pre-filed comments include, but are not limited to: the petition; public notices of the rulemaking, including any lists of individuals to whom notice was mailed or sent electronically; the proposed rule in underline and strikethrough format; and any written comment submitted during the comment period prior to the rule hearing. Written comments or other documents introduced during the hearing should be admitted into the record after being marked as an exhibit.

**B.** If the rule hearing is conducted by a designated hearing officer, the complete rulemaking record, including any memoranda summarizing the contents of the hearing, if written, shall be compiled and forwarded to the agency head or members of the board or commission with sufficient time to review. The agency head or members of the board or commission shall familiarize themselves with the rulemaking record before rendering a decision on the proposed rule.

**C.** The agency may adopt, amend or reject the proposed rule. Any amendments to the proposed rule must fall within the scope of the current rulemaking proceeding. Amendments that exceed the scope of the noticed rulemaking may require a new rulemaking proceeding. Amendments to a proposed rule may fall outside of the scope of the rulemaking based on the following factors:

(1) any person affected by the adoption of the rule, if amended, could not have reasonably expected that the change from the published proposed rule would affect the person's interest;

(2) subject matter of the amended rule or the issues determined by that rule are different from those in the published proposed rule; or

(3) effect of the adopted rule differs from the effect of the published proposed rule.

**D.** In instances where the agency is a board or commission, consideration and approval of adoption of the proposed rule shall occur during a public meeting.

**E.** 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.

**F.** The concise explanatory statement shall include, but not limited to, the following:

(1) citation to specific statutory or other authority authorizing the rule;

(2) effective date of the rule;

(3) date of adoption of the rule, if different than the date of the concise explanatory statement;

(4) if the agency is a board or commission, the date of the meeting at which the agency voted to approve the adoption of the rule;

(5) reasons for adopting the rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;

(6) reasons for any change between the published proposed rule and the final rule; and

(7) reasons for not accepting substantive arguments made through public comment.

[1.24.25.14 NMAC - N, 04/10/2018]

**1.24.25.15 FILING AND PUBLICATION; EFFECTIVE DATE:**

**A.** Within 15 calendar days after the date of adoption of a rule, the agency shall file the adopted rule with the state records administrator and shall provide to the public the adopted rule and concise explanatory statement in accordance with the State Rules Act.

**B.** Unless another date is stated in the agency's concise explanatory statement, or otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico register.

[1.24.25.15 NMAC - N, 04/10/2018]

**1.24.25.16 EMERGENCY RULES:** The agency shall comply with the rulemaking procedures in Section 14-4-5.6 NMSA 1978, regarding the promulgation of emergency rules.  
[1.24.25.16 NMAC - N, 04/10/2018]

**HISTORY OF 1.24.25 NMAC:** [RESERVED]

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AN ACT  
RELATING TO RULES; CREATING REQUIREMENTS FOR PROPOSING,  
ADOPTING, AMENDING OR REPEALING RULES; AMENDING AND ENACTING  
SECTIONS OF THE STATE RULES ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 14-4-2 NMSA 1978 (being Laws 1967,  
Chapter 275, Section 2, as amended) is amended to read:

"14-4-2. DEFINITIONS.--As used in the State Rules Act:

A. "agency" means any agency, board, commission,  
department, institution or officer of the state government  
except the judicial and legislative branches of the state  
government;

B. "person" includes individuals, associations,  
partnerships, companies, business trusts, political  
subdivisions and corporations;

C. "proceeding" means a formal agency process or  
procedure that is commenced or conducted pursuant to the  
State Rules Act;

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

1 distribute rulemaking information by:

2 (1) posting it on the agency website, if  
3 any;

4 (2) posting it on the sunshine portal;

5 (3) making it available in the agency's  
6 district, field and regional offices, if any;

7 (4) sending it by electronic mail to persons  
8 who have made a written request for notice from the agency of  
9 announcements addressing the subject of the rulemaking  
10 proceeding and who have provided an electronic mail address  
11 to the agency;

12 (5) sending it by electronic mail to persons  
13 who have participated in the rulemaking and who have provided  
14 an electronic mail address to the agency;

15 (6) sending written notice that includes, at  
16 a minimum, an internet and street address where the  
17 information may be found to persons who provide a postal  
18 address; and

19 (7) providing it to the New Mexico  
20 legislative council for distribution to appropriate interim  
21 and standing legislative committees;

22 F. "rule" means any rule, regulation, or standard,  
23 including those that explicitly or implicitly implement or  
24 interpret a federal or state legal mandate or other  
25 applicable law and amendments thereto or repeals and renewals

1     thereof, issued or promulgated by any agency and purporting  
2     to affect one or more agencies besides the agency issuing the  
3     rule or to affect persons not members or employees of the  
4     issuing agency, including affecting persons served by the  
5     agency. An order or decision or other document issued or  
6     promulgated in connection with the disposition of any case or  
7     agency decision upon a particular matter as applied to a  
8     specific set of facts shall not be deemed such a rule, nor  
9     shall it constitute specific adoption thereof by the agency.  
10    "Rule" does not include rules relating to the management,  
11    confinement, discipline or release of inmates of any penal or  
12    charitable institution, the New Mexico boys' school, the  
13    girls' welfare home or any hospital; rules made relating to  
14    the management of any particular educational institution,  
15    whether elementary or otherwise; or rules made relating to  
16    admissions, discipline, supervision, expulsion or graduation  
17    of students from any educational institution; and

18                 G. "rulemaking" means the process for adoption of  
19    a new rule or the amendment, readoption or repeal of an  
20    existing rule."

21                 **SECTION 2.** Section 14-4-3 NMSA 1978 (being Laws 1967,  
22    Chapter 275, Section 3, as amended) is amended to read:

23                 "14-4-3.   FORMAT OF RULES--FILING--DISTRIBUTION.--

24                 A. Each agency promulgating any rule shall place  
25    the rule in the format and style required by rule of the

1 state records administrator and shall deliver the rule to the  
2 state records administrator or the administrator's designee,  
3 accompanied by the concise explanatory statement required by  
4 the State Rules Act. The state records administrator or the  
5 administrator's designee shall note thereon the date and hour  
6 of filing.

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

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

17 D. The state records administrator, after written  
18 notification to the filing agency, may make minor,  
19 nonsubstantive corrections in spelling, grammar and format in  
20 filed rules. The state records administrator shall make a  
21 record of the correction and shall deliver the record to the  
22 filing agency and issuing authority within ten days of the  
23 change. Within thirty days of receiving that state records  
24 administrator's record of a correction, the agency shall  
25 provide to the public notice of the correction in the same



1 manner as the agency used to give notice of the rulemaking  
2 proceeding pursuant to Section 4 of this 2017 act."

3 **SECTION 3.** Section 14-4-5 NMSA 1978 (being Laws 1967,  
4 Chapter 275, Section 6, as amended) is amended to read:

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

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

10 B. An agency shall not adopt a rule until the  
11 public comment period has ended. If the agency fails to take  
12 action on a proposed rule within two years after the notice  
13 of proposed rulemaking is published in the New Mexico  
14 register, the rulemaking is automatically terminated unless  
15 the agency takes action to extend the period. The agency may  
16 extend the period of time for adopting the proposed rule for  
17 an additional period of two years by filing a statement of  
18 good cause for the extension in the rulemaking record, but it  
19 shall provide for additional public participation, comments  
20 and rule hearings prior to adopting the rule.

21 C. An agency may terminate a rulemaking at any  
22 time by publishing a notice of termination in the New Mexico  
23 register. If a rulemaking is terminated pursuant to this  
24 section, the agency shall provide notice to the public.

25 D. Within fifteen days after adoption of a rule,

1 an agency shall file the adopted rule with the state records  
2 administrator or the administrator's designee and shall  
3 provide to the public the adopted rule. The state records  
4 administrator or the administrator's designee shall publish  
5 rules as soon as practicable after filing, but in no case  
6 later than ninety days after the date of adoption of the  
7 proposed rule. Unless a later date is otherwise provided by  
8 law or in the rule, the effective date of a rule shall be the  
9 date of publication in the New Mexico register.

10 E. A proposed rule shall not take effect unless it  
11 is adopted and filed within the time limits set by this  
12 section."

13 **SECTION 4.** A new section of the State Rules Act is  
14 enacted to read:

15 "NOTICE OF PROPOSED RULEMAKING.--

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

20 (1) a summary of the full text of the  
21 proposed rule;

22 (2) a short explanation of the purpose of  
23 the proposed rule;

24 (3) a citation to the specific legal  
25 authority authorizing the proposed rule and the adoption of

1 the rule;

2 (4) information on how a copy of the full  
3 text of the proposed rule may be obtained;

4 (5) information on how a person may comment  
5 on the proposed rule, where comments will be received and  
6 when comments are due;

7 (6) information on where and when a public  
8 rule hearing will be held and how a person may participate in  
9 the hearing; and

10 (7) a citation to technical information, if  
11 any, that served as a basis for the proposed rule, and  
12 information on how the full text of the technical information  
13 may be obtained.

14 B. An agency may charge a reasonable fee for  
15 providing any records in nonelectronic form when provided to  
16 a person pursuant to this section. An agency shall not  
17 charge a fee for providing any records in electronic form  
18 when provided to a person pursuant to this section.

19 C. An internet link providing free access to the  
20 full text of the proposed rule shall be included on the  
21 notice of proposed rulemaking.

22 D. If the agency changes the date of the public  
23 rule hearing or the deadline for submitting comments as  
24 stated in the notice, the agency shall provide notice to the  
25 public of the change.

1           E. The state records administrator or the  
2 administrator's designee shall timely publish the notice of  
3 proposed rulemaking in the next publication of the New Mexico  
4 register."

5           **SECTION 5.** A new section of the State Rules Act is  
6 enacted to read:

7           "PUBLIC PARTICIPATION, COMMENTS AND RULE HEARINGS.--

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

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

1 over a public rule hearing.

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

4 **SECTION 6.** A new section of the State Rules Act is  
5 enacted to read:

6 "AGENCY RECORD IN RULEMAKING PROCEEDING.--

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

19 B. A rulemaking record shall contain:

20 (1) a copy of all publications in the New  
21 Mexico register relating to the proposed rule;

22 (2) a copy of any technical information that  
23 was relied upon in formulating the final rule;

24 (3) any official transcript of a public rule  
25 hearing or, if not transcribed, any audio recording or

1 verbatim transcript of the hearing, and any memoranda  
2 summarizing the contents of the hearing prepared by the  
3 hearing officer or agency official who presided over the  
4 hearing;

5 (4) a copy of all comments and other  
6 material received by the agency during the public comment  
7 period and at the public hearing;

8 (5) a copy of the full text of the initial  
9 proposed rule and the full text of the final adopted rule and  
10 the concise explanatory statement filed with the state  
11 records administrator or the administrator's designee; and

12 (6) any corrections made by the state  
13 records administrator pursuant to Section 14-4-3 NMSA 1978."

14 **SECTION 7.** A new section of the State Rules Act is  
15 enacted to read:

16 "CONCISE EXPLANATORY STATEMENT.--At the time it adopts a  
17 rule, an agency shall provide to the public a concise  
18 explanatory statement containing:

19 A. the date the agency adopted the rule;

20 B. a reference to the specific statutory or other  
21 authority authorizing the rule; and

22 C. any findings required by a provision of law for  
23 adoption of the rule."

24 **SECTION 8.** A new section of the State Rules Act is  
25 enacted to read:

1 "EMERGENCY RULE.--

2 A. An agency shall comply with the rulemaking  
3 procedures of the State Rules Act unless the agency finds  
4 that the time required to complete the procedures would:

5 (1) cause an imminent peril to the public  
6 health, safety or welfare;

7 (2) cause the unanticipated loss of funding  
8 for an agency program; or

9 (3) place the agency in violation of federal  
10 law.

11 B. The agency shall provide to the public a record  
12 of any finding pursuant to Subsection A of this section and a  
13 detailed justification for that finding before issuing an  
14 emergency rule. The record shall include a statement that  
15 the emergency rule is temporary. After such record has been  
16 provided to the public, the agency may issue the emergency  
17 rule immediately without a public rule hearing or with any  
18 abbreviated notice and hearing that it finds practicable.

19 C. When an agency makes a finding pursuant to  
20 Subsection A of this section, the agency shall follow the  
21 provisions of this section in addition to any more specific  
22 requirements in statute that pertain to the agency regarding  
23 promulgating emergency or interim rules.

24 D. Emergency rules may take effect immediately  
25 upon filing with the state records administrator or the

1 administrator's designee or at a later date specified in the  
2 emergency rule. Emergency rules shall be published in the  
3 New Mexico register.

4 E. No emergency rule shall permanently amend or  
5 repeal an existing rule. An emergency rule shall remain in  
6 effect until a permanent rule takes effect under the normal  
7 rulemaking process. If no permanent rule is adopted within  
8 one hundred eighty days from the effective date of the  
9 emergency rule, the emergency rule shall expire and may not  
10 be readopted as an emergency rule. If an expired emergency  
11 rule temporarily amended or repealed an existing rule, the  
12 rule shall revert to what it would have been had the  
13 emergency rule not been issued."

14 **SECTION 9.** A new section of the State Rules Act is  
15 enacted to read:

16 "CONFLICTS BETWEEN RULE AND STATUTE--VARIANCE BETWEEN  
17 PROPOSED AND FINAL ACTION.--

18 A. No rule is valid or enforceable if it conflicts  
19 with statute. A conflict between a rule and a statute is  
20 resolved in favor of the statute.

21 B. A word or phrase that is defined in an  
22 applicable statute should not be defined in rule. A conflict  
23 between a definition that appears in a rule and in an  
24 applicable statute is resolved in favor of the statute."

25 **SECTION 10.** A new section of the State Rules Act is



1 enacted to read:

2 "PROCEDURAL RULES.--No later than January 1, 2018, the  
3 attorney general shall adopt default procedural rules for  
4 public rule hearings for use by agencies that have not  
5 adopted their own procedural rules consistent with the State  
6 Rules Act. Each agency may adopt its own procedural rules,  
7 or continue in effect existing rules, which shall provide at  
8 least as much opportunity for participation by parties and  
9 members of the public as is provided in the procedural rules  
10 adopted by the attorney general. An agency that adopts its  
11 own procedural rules shall send a copy of those procedural  
12 rules to the attorney general and shall maintain those  
13 procedural rules on the agency's website."

14 **SECTION 11. EFFECTIVE DATE.**--The effective date of the  
15 provisions of this act is July 1, 2017. \_\_\_\_\_

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BEFORE THE [AGENCY NAME]  
FOR THE STATE OF NEW MEXICO

IN RE:

RULEMAKING PROCEEDING FOR THE  
[adoption/amendment/repeal] OF [citation] NMAC  
([name of Part]).

**CONCISE EXPLANATORY STATEMENT**

The New Mexico [NAME] (the “Board”) hereby adopts rules that [AMEND/REPEAL] the Board’s administrative code, including Part [NUMBER AND NAME]. The published rule is codified in [CITE] and [CITE] NMAC.

(1) Statutory Authority for Rule Promulgation:

[CITE STATUTE], authorizes the Board to “[QUOTE AUTHORITY]”.

(2) Effective Date of Rule:

[may state “Date of publication in the New Mexico Register” or specific date if known or specifically stated in the rule]

(3) Date of Adoption of Rule:

[date Concise Explanatory Statement is signed unless later date is provided]

(4) Date of Meeting Approving Rule:

[DATE]

(5) Reasons for Adopting Rule:

[explanation of the purpose of rule and reasons for adopting, including any findings required by law and summary of any independent analysis done by the agency]

(6) Reasons for Changes from Published Rule:

[explain why any edits were made from what was initially published – can be general]

(7) Reasons for Not Accepting Substantive Arguments from Public Comment:

[explain why some public comments were not accepted as amendments – can be general]

The proposed rule, as authorized by the Board during its regular meeting held [DATE], is hereby adopted as of the date of this Concise Explanatory Statement.

**IT IS SO ORDERED.**

ON BEHALF OF THE NEW MEXICO  
BOARD OF [name]

\_\_\_\_\_  
DATE

\_\_\_\_\_  
/s/ [NAME]  
[name], CHAIR

*Executed electronic signature via-email  
authorization dated XX/XX/XXXX*