



State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2021-060

ELIMINATING AND REDUCING UNECESSARY REGULATORY BURDENS AND COSTS

WHEREAS, regulations play an indispensable role in protecting public health and safety, consumers, and the environment;

WHEREAS, regulations can also impose significant burdens and costs on businesses and the public, which stifle innovation, growth, and job creation;

WHEREAS, regulatory burdens and costs can also discourage underserved populations, such as women and racial minority groups, from actively participating in economic growth and business activities;

WHEREAS, no regulatory burden or cost should be imposed absent a commensurate justification;

WHEREAS, untimely review of license or permit applications impose unnecessary delays and costs on applicants, especially for those in the construction industry;

WHEREAS, the Regulation and Licensing Department, which promulgates and administers a significant amount of rules, and the Economic Development Department, which was created to increase economic opportunities in the State, are in a unique position to identify many regulatory burdens and costs that should be eliminated, streamlined, or reduced;

WHEREAS, many unjustified regulatory burdens and costs may be promptly eliminated or streamlined through rule changes while others require carefully tailored legislative action; and

WHEREAS, eliminating unjustified regulatory burdens and costs will encourage economic growth and innovation in our State while continuing to protect New Mexicans and the environment.

NOW, THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the laws of the State of New Mexico do hereby **ORDER** and **DIRECT** as follows:

1. The Regulation and Licensing Department shall, in consultation with the Economic Development Department, review its rules and compile a report identifying:

a. Any rules or associated requirements that impose a regulatory burden on members of the public or results in a disparate impact on underserved populations which may be eliminated without jeopardizing public health and safety, consumer or environmental protection, or any other substantial regulatory interest;

b. Any rules or associated requirements that impose a regulatory burden on members of the public or results in a disparate impact on underserved populations which may be amended or streamlined without jeopardizing public health and safety, consumer or environmental protection, or any other substantial regulatory interest;

c. Any rules requiring the payment of fees that may be reduced or eliminated while still ensuring sufficient funding to the Department to carry out its regulatory mandates;

d. Any rules or associated requirements identified in Subsections 1(a), (b), or (c) required by federal or state law; and

e. Any rules or associated requirements in Subsections 1(a), (b), or (c) that conflict with federal law.

2. The Regulation and Licensing Department and the Economic Development Department shall submit the above report to the Office of the Governor no later than December 15, 2021. For rules

identified in Subsections 1(a) or (b), the report shall explain the benefits of eliminating or streamlining each rule and how such action would not jeopardize public health and safety, consumer or environmental protection, or any other substantial regulatory interest. For rules identified in Subsection 1(c), the report shall propose a reduced or eliminated fee and include an estimate as to the annual decrease in revenues resulting from the proposed fee change. For rules identified in Subsection 1(d), the report shall identify the federal or state law requiring each rule or fee and, in the case of state law, make specific recommendations on what statutory amendments are necessary to enact the recommended rule changes. For rules identified in Subsection 1(e), the report shall identify the federal law in conflict with each rule and make specific recommendations on what statutory amendments or rule changes are necessary to resolve the conflict.

3. With approval from the Office of the Governor, the Regulation and Licensing Department shall promptly implement the recommended rule or fee changes, in compliance with the State Rules Act, NMSA 1978, § 14-4-1 *et seq.*, and all other applicable laws. For rule or fee changes that require statutory amendments, the Department shall submit a report with the recommended amendments to designated members and committees of the Legislature to consider for upcoming legislative sessions, which shall first be approved by the Office of the Governor.

4. The Regulation and Licensing Department shall make all reasonable efforts to review and approve or deny all permit and license applications submitted pursuant to the Construction Industries Licensing Act, NMSA 1978, § 60-13-1 *et seq.*, within 30 days of receipt. The Department shall also make reasonable efforts to expedite all other application review periods to the greatest extent practicable.

5. All boards, commissions, and local jurisdictions are strongly encouraged to reduce, streamline, and eliminate rules imposing a regulatory burden or cost on members of the public to the

greatest extent practicable, in conformity with the principles of this Order. If requested, the Regulation and Licensing Department and the Economic Development Department shall collaborate with any board, commission, or local jurisdiction in carrying out such regulatory reform.

6. No rule imposing a regulatory burden on members of the public shall be promulgated by any agency within the Executive Department following the effective date of this Order unless required by law or justified by a substantial regulatory interest.

I FURTHER ORDER and DIRECT as follows:

1. This Order supersedes any previous orders, proclamations, policies, or directives to the extent they are in conflict.

2. This Order shall take effect on October 26, 2021, and shall remain in effect until renewed, modified, or rescinded.

3. Nothing in this Order is intended to create a private right of action to enforce any provision of this Order, nor is this Order intended to diminish or expand any existing legal rights or remedies.

ATTEST:


MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 26TH DAY OF OCTOBER 2021

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO


MICHELLE LUJAN GRISHAM
GOVERNOR

