



# New Mexico State Legislature

STATE CAPITOL  
Santa Fe

January 12, 2024

The Honorable Michelle Lujan Grisham  
Governor, State of New Mexico  
State Capitol, Room 400  
480 Old Santa Fe Trail  
Santa Fe, New Mexico 87501

Dear Governor:

We are requesting a special message for House Bill 124 so the Legislature can consider during the upcoming legislative session creating a formal legislative review process of administrative rules proposed by the executive branch. This legislation is needed to help guarantee proposed administrative rules are given proper review to ensure they are being promulgated with sufficient statutory authority and are consistent with legislative intent. It is also necessary for executive branch entities to develop fiscal impact statements so policymakers and affected stakeholders have a better understanding of the financial impact public and private entities will face from proposed administrative rules.

While we also believe the legislative branch should have veto power over proposed administrative rules that intrude into the Legislature's constitutional authority, House Bill 124 does not contain such a legislative veto provision. However, we intend to introduce a constitutional amendment during the session that would grant the Legislature such veto authority in the future.

New Mexico is one of only nine states that currently does not have a legislative review process for administrative rules. This lack of a formal review process allows the executive branch to possess excessive power in terms of adopting administrative rules that set public policy that should otherwise be within the purview of the legislative branch. It also means the inherent "checks and balances" the framers of our state constitution envisioned to stop one branch of government dominating another branch is constantly threatened by executive branch overreach. Therefore, a legislative review process of administrative rules will improve transparency of how government works and expand opportunities for receiving public comment as to whether any proposed administrative rule is in the state's best interest.

While we appreciate the reality that no executive branch of government will embrace enthusiastically a legislative review of proposed administrative rules, we hope your sense of good government and enhanced understanding that administrative rules should not be used for making new "law" that the Legislature never considered will permit you to provide the special message we are requesting.

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We truly believe the creation of a legislative review process for administrative rules should be a nonpartisan issue that both political parties can agree is a necessary step towards ensuring the executive branch and the legislative branch each perform the policy making functions envisioned by our state constitution.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Randal T. Pettigrew". The signature is stylized with a long horizontal stroke at the end.

Randal T. Pettigrew  
State Representative District 61

A handwritten signature in blue ink, appearing to read "James G. Townsend". The signature is cursive and elegant.

James G. Townsend  
State Representative District 54