

Proposed Rule Promulgation Process

The PEC Executive Team, PEC attorney, Director Chavez, PED attorneys and PED rulemaking team discussed the following rule-making procedure for the proposed rule.

For this rule-making, the following process is proposed:

- 1) The PEC will adopt a draft rule on March 24.
- 2) PED rule-making group will then make the technical changes to submit a Notice of Intent to Promulgate Rule on March 31, to be published on April 11.
- 3) The public hearing will take place on May 15 at a Special Meeting of the PEC. Written comment will be due before that date. The hearing officer will be a PED hearing officer and all oral comments will be taken during the Special meeting of the PEC.
- 4) The PEC will consider the comments provided and vote on the final version of the Rule on May 15 or before May 18.
- 5) The final version of the Rule would then be submitted to the State Registry. Chair Brauer will talk to the Secretary regarding joint signature on the submittal document.
- 6) The rule would then be published on May 31 or possibly June 13th and be a final rule on the date of publication.

The process can then be incorporated into the MOU between the PED and the PEC.

The MOU likely needs to be revisited for other reasons. A bill related to the accounting of the 2% monies from schools passed the legislature and is on the Governor's desk for signature. The MOU would be changed to conform to the new law.

<https://nmlegis.gov/Legislation/Legislation?chamber=H&legType=B&legNo=375&year=23>