

EXECUTIVE ORDER 2011-001

**FORMATION OF A SMALL BUSINESS-FRIENDLY TASK FORCE;
ESTABLISHING A 90-DAY REVIEW PERIOD FOR ALL PROPOSED AND PENDING RULES
AND REGULATIONS**

WHEREAS, New Mexico's citizens, their government, and all persons doing business in this State have a mutual interest in the proper administration of government and business, requiring common sense administrative rules and regulations that are comprehensible, reasonable, consistent, predictable, responsive, and without undue redundancy;

WHEREAS, one of the priorities of the Governor of New Mexico is establishing a common sense approach to executive rules and regulations, in accordance with the constitutional authority to direct the departments and agencies of the State of New Mexico, by establishing a "Small Business-Friendly Task Force" chaired by the Secretary of Economic Development;

WHEREAS, most proposed and pending rules and regulations can be temporarily suspended without detriment to the health or welfare of the citizens of New Mexico;

WHEREAS, ninety days is a reasonable time to review such proposed and pending rules and regulations, to examine them from various perspectives as to their workability, reasonableness, and determine whether they are proper and necessary;

WHEREAS, such an effort is timely given current unemployment levels and state budget difficulties, in order to create economic opportunity for each and every New Mexican, while protecting and preserving the health, safety and welfare of our community.

THEREFORE, I, Susana Martinez, Governor of the State of New Mexico, by the authority vested in me by the Constitution of the State of New Mexico and by its statutes, do hereby ORDER and DIRECT:

1. All proposed and pending rules and regulations, excluding those not under the authority of the Governor, are suspended for a period of review of 90 days unless excepted as set forth below.
2. Proposed and pending regulations shall not be suspended if doing so would:
 - a. Adversely impact public health;
 - b. Adversely impact public safety or security;
 - c. Fail to comply with a judicial order or deadline;
 - d. Prevent the respective department or agency from carrying out its essential functions and duties; or
 - e. Prevent qualification for any federal funds or certifications.
3. Each department or agency shall submit to the Office of the Governor a comprehensive listing of proposed and pending rules and regulations, for review not later than January 14, 2011.
4. Any proposed or pending rules and regulations to which this Order applies and the department or agency believes should be treated as an exception pursuant to paragraph 2, shall be separately identified as such, with a statement as to the basis for the exception and how it applies.

5. The Office of the Governor may, with the advice of the head of the department or agency affected, determine whether any rule or regulation initially excepted under paragraph 2 shall remain excepted. The Office of the Governor may, with the advice of the head of the department or agency affected, determine whether any rule or regulation not initially excepted under paragraph 2 shall also be excepted.
6. Each department and agency shall also review all of its existing rules and regulations with a view to enhancing the purpose of this Task Force, and no later than January 31, 2011, identify to the Secretary of Economic Development each rule or regulation, the rescinding or revision of which could significantly enhance the business environment in New Mexico through economic development and employment growth.
7. The Task Force shall, at a minimum, consist of the Secretaries of Taxation and Revenue, Workforce Solutions, General Services, and others whom the Governor may designate.
8. The Task Force shall make a report to the Governor no later than 90 days from the effective date of this order, and shall continue, as needed, to make specific legislative and regulatory recommendations to achieve economic growth and stability in New Mexico.
9. This Order does not create any legal rights on the part of any person or entity and shall not be a basis for a challenge to rules or regulations or any other action or inaction by any New Mexico governmental department or agency.

THIS ORDER supersedes any other previous orders, proclamations, or directives to the extent they are in conflict. This Executive Order shall take effect immediately.

ATTEST:

DONE AT THE EXECUTIVE OFFICE THIS
_____ **day of** _____, **2011.**

DIANNA DURAN
SECRETARY OF STATE

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

SUSANA MARTINEZ
GOVERNOR OF NEW MEXICO

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