

From: Chris Mechels [mailto:cmechels@q.com]
Sent: Thursday, November 12, 2020 3:42 PM
To: CPR, RMD, SRCA <RMD.CPR@state.nm.us>
Subject: [EXT] Public Hearing Comments #4

Dear Sir,

This comment is for the upcoming November 13 hearing, and relates to, and draws upon, my previous comments #1 and #2, which were submitted for the September 30 hearing which was later postponed.

I again encourage you to abandon this rules proposal, which is unnecessary and illegal. I also suggest some minor changes to clean up [1.24.10.15](#).

The change is illegal because the reason given for the change is false. The history of the change, dating back to the March and April actions, were explained as to the filing protocol. The change was always troublesome, and poorly supported, but had been passed as an Emergency Rule in April, which allowed no public input. The damage seemed limited by the tie to the State of Emergency.

Now, the proposed rule proposes to make the April rule permanent, but the reason given is Digital Signatures, ignoring the bulk of the effect, the filing protocols. This is obviously false, and thus illegal, so the proposal, based on this lie should be withdrawn.

Adding to this, the NMED #5 Exhibit to this hearing, dated 20 August finds there is No Problem with Digital Signatures. It was an error by ALD!! Still ALD persists with this change.

The REAL purpose, the change in filing protocols, is very troubling; "any rule filing may be accepted, with a valid digital signature, and will be filed by administrative law division on appropriate New Mexico register submittal deadline".

Just exactly what does "any rule filing may be accepted" mean? This MUST be explained. Does it mean the Rulemaking Guide no longer applies, and that this is permanent? Does [1.24.10.16](#) still apply, and, if not, why not? The ALD works very closely, per the Rulemaking Guide. If this stops, how is the quality of the rulemaking affected. Endless questions, avoided by giving a false reason.

Another problem; the protocol change greatly lengthens the rule filing time, from the 2 days specified in the 2021 Strategic Plan, to 2 weeks. Permanently!!! If this change is wise, permanently, it should be brought openly, with the reason legally declared, and supported. Can ALD really ignore their Strategic Plan, which is part of their required annual plan? I doubt it. Making this change from 2 days permanent seem to directly call that question.

Finally some correction to [1.24.10.15](#)

Section G should be deleted, as the ALD has no legal standing to declare "sufficient compliance with State Rules Act".

The filing date for the July 2017 change should be 7/11/2017, NOT 7/1/2017.

I encourage you again, to abandon this hearing due to the illegal, and unsupported, changes.

Regards,

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