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HOUSE BILL 419

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Ambrose Castellano and Joseph L. Sanchez

AN ACT

RELATING TO ADMINISTRATIVE PROCEDURES; REQUIRING STATE AGENCIES AND LOCAL AGENCIES WITH EXPRESSLY DELEGATED AUTHORITY FOR LICENSING AND PERMITTING TO PERIODICALLY PUBLISH A LIST OF THE TIME FRAMES IN WHICH LICENSES, PERMITS OR OTHER REGULATORY APPROVALS HAVE BEEN FINALLY ACTED UPON OR HAVE REMAINED PENDING WITHOUT FINAL AGENCY ACTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Licensing Time Frames Transparency Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Licensing Time Frames Transparency Act:

A. "agency" means an agency, board, commission, department, division, institution or state official and any such agency of a county, city or other local entity that has

underscoring material = new
[bracketed material] = delete

1 been expressly delegated the authority to issue a permission
2 that otherwise would be issued by an agency of the state;
3 "agency" does not include an agency, board, commission,
4 department, division, institution or state official within the
5 judicial or legislative branches of state government;

6 B. "application" means a written or electronic
7 request received by an agency for a permission;

8 C. "average pending time frame" means the sum of
9 the total pending time frames for each type of permission
10 divided by the total number of applications submitted for that
11 type of permission for which final agency action has not been
12 taken as of the end of the reporting period;

13 D. "average time frame" means the sum of the total
14 time frames for all final agency actions on a type of
15 permission occurring during the reporting period divided by the
16 total number of final agency actions for that type of
17 permission during the reporting period;

18 E. "final agency action" is the date on which an
19 agency notifies an applicant of decision granting or denying a
20 permission;

21 F. "maximum pending time frame" means the highest
22 total pending time frame for a type of permission;

23 G. "maximum time frame" means the highest total
24 time frame for a type of permission;

25 H. "median time frame" means the total time frame

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1 for a type of permission lying at the midpoint of all total
2 time frames for that type of permission;

3 I. "permission" means any governmental
4 authorization in the form of a permit, license, right of way,
5 right of entry, business lease, clearance, location or siting
6 approval or similar approval and any renewal, revision,
7 modification or amendment thereof requiring separate
8 authorization; provided, however, "permission" does not include
9 governmental authorizations involving the management of
10 educational, charitable or penal institutions;

11 J. "reporting period" means the six-month period
12 for which an agency must submit information pursuant to the
13 Licensing Time Frames Transparency Act;

14 K. "total pending time frame" means the total
15 number of days after receipt of an application for a permission
16 for which final agency action has not been taken until the end
17 of the reporting period; and

18 L. "total time frame" means the total number of
19 days after receipt of an application for a permission until an
20 agency notifies the applicant of the final agency action on the
21 requested permission.

22 SECTION 3. [NEW MATERIAL] PUBLICATION OF LICENSING TIME
23 FRAMES INFORMATION.--On or before the last day of January and
24 July of each year, every agency shall submit the following
25 information for the six-month period immediately prior to the

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1 first day of that January or July to the state records center
2 for publication in the New Mexico register:

3 A. a list of each type of permission the agency is
4 required or authorized to issue with a citation to the statute
5 or rule under which that type of permission is required or
6 authorized;

7 B. the number of final agency actions taken on each
8 type of permission during the reporting period;

9 C. the average time frame, median time frame and
10 maximum time frame for each type of permission during the
11 reporting period;

12 D. the average pending time frame and maximum
13 pending time frame for each type of permission; and

14 E. the number of applications for each type of
15 permission that were submitted prior to the end of the
16 reporting period, but for which final agency action had not
17 been taken as of the end of the reporting period.

18 SECTION 4. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is January 1, 2024.