

**LFC Requester:** \_\_\_\_\_

**AGENCY BILL ANALYSIS**

**SECTION I: GENERAL INFORMATION**

*Check all that apply:*

Original  Amendment \_\_\_\_\_  
 Correction \_\_\_\_\_ Substitute \_\_\_\_\_  
 \_\_\_\_\_

Date 2/13/2025  
 Bill No: HB 358  
 \_\_\_\_\_

**Sponsor:** Rep. Randall Pettigrew  
**Short Title:** Interim Admin. Rules Oversight Committee  
**Agency Name and Code:** EMNRD 521  
**Number:** \_\_\_\_\_  
**Person Writing:** Samantha Kao  
**Phone:** \_\_\_\_\_ **Email:** Samantha.kao@emnrd.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
	2000.0	Nonrecurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

**Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act:**

**SECTION III: NARRATIVE**

**BILL SUMMARY**

HB358 proposes to amend Chapter 2 NMSA 1978 to create the Interim Administrative Rule Oversight Committee which will include 3 members appointed by the majority floor leader of the house, 3 members appointed by the minority leader of the house, 3 members of the majority leader of the senate, and 3 members of the minority floor leader of the senate for a total of 12 members.

The committee is directed to review rules proposed by executive agencies and make recommendations on the rules to clarify legislative intent. The committee is also given the authority to endorse legislation or amend/repeal a statute that authorizes rulemaking. The committee and its staff are also authorized to request fiscal impact statements from executive agencies for rules.

HB358 also amends Section 14-4-5.2NMSA 1978 – Notice of Proposed Rulemaking – to require an estimate of the cost of implementing a proposed rulemaking, and agencies are required to submit a fiscal impact statement if the cost of implementing the proposed rule will exceed \$1M.

Finally, HB358 appropriates \$2M from the general fund to the legislative council service for FY26.

**FISCAL IMPLICATIONS**

None for EMNRD.

**SIGNIFICANT ISSUES**

HB358 would significantly affect EMNRD's ability to conduct rulemakings, introducing greater politicization into the process and giving the legislature undue influence over executive actions. This shift would also undermine the Governor's authority.

EMNRD's rulemaking processes are highly technical, relying on data, scientific analysis, and specialized expertise. These areas of expertise are not typically represented in the legislature, where most members lack the technical background necessary to effectively evaluate or make informed decisions on technical matters.

This bill also represents an unnecessary exercise on behalf of the legislature, as it already has the power to remove or modify any rule at any time by modifying the statutes which the rules implement. Given this existing authority, the additional process contemplated by HB 358 represents a wasteful exercise in making government action less efficient in the name of exercising power that the legislature already possesses.

**PERFORMANCE IMPLICATIONS**

*See Significant Issues*

## **ADMINISTRATIVE IMPLICATIONS**

The additional bureaucratic burden required to conduct rulemakings would significantly slow down the rulemaking process, which is already presents capacity challenges for EMNRD divisions.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If HB358 is not enacted, executive agencies will continue to conduct rulemakings without undue interference and burden from the legislature.

## **AMENDMENTS**