

LFC Requester: _____

AGENCY BILL ANALYSIS

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment _____
Correction Substitute _____

Date 2/17/2025
Bill No: HB425

Sponsor: Reps Armstrong, Dow, Parajon
Short Title: Rulemaking Agency Response to Public Comment

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		

(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
Total		150.0	150.0	300.0	Recurring	GF

(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

HB425 amends NMSA 1978, Section 14-4-5 to require all state agencies to respond to each public comment on a proposed rule. The response must be unique each public comment, be fact-specific to the concerns of that comment, address the impact of the comment on the rule to be promulgated, in writing, and published with the rule in the New Mexico register.

FISCAL IMPLICATIONS

EMNRD would need an additional attorney to manage the high volume of public comments received by all divisions during the rulemaking process. This attorney would be responsible for ensuring that each comment receives a tailored, fact-based response that addresses any legal or technical concerns raised.

1 attorney at payband LH, midpoint salary, including benefits = \$150,000

SIGNIFICANT ISSUES

Requiring agencies to respond to each public comment, no matter how minor or repetitive, would significantly increase the administrative workload. State agencies would need to allocate more time and resources to review and craft individual responses, which will slow down the rulemaking process. This will also lead to delays in important regulations being enacted, particularly for agencies/divisions with limited staff or funding.

Public comments often include a wide range of feedback, from insightful suggestions to irrelevant or unconstructive opinions. If agencies are obligated to respond to every comment, they may be overwhelmed by irrelevant feedback, leading to less focus on meaningful input. This could result in agencies spending time addressing frivolous or out-of-scope comments at the expense of focusing on the substantial issues that require attention.

State agencies are often tasked with balancing competing priorities when drafting rules, and public comments can sometimes reflect a narrow perspective or special interests. Mandating responses to every comment could lead agencies to make compromises just to address every concern, potentially stifling innovation or leading to watered-down regulations. In some cases, agencies may be forced to accommodate suggestions that do not align with the broader public interest or the agency's core mission.

Finally, by mandating that agencies respond to every public comment, the legislature could be imposing unnecessary burdens on the executive branch, restricting its ability to efficiently manage and implement rules. This requirement could undermine the flexibility and discretion that agencies need to respond to complex regulatory issues in a timely manner. This mandate forces the executive branch to allocate resources to administrative tasks rather than allowing agencies the autonomy to prioritize and manage rulemaking based on their expertise and goals.

PERFORMANCE IMPLICATIONS

See Significant Issues

ADMINISTRATIVE IMPLICATIONS

See Significant Issues

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB425 is not enacted, state agencies will be able to continue with rulemaking procedures without the additional bureaucratic burden of responding to each public comment in writing.

AMENDMENTS