

LFC Requester:	
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**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 2/26/2025
Bill No: HB 428

Sponsor: Cadena
Short Title: RULE CHANGES FOR CORRECTIONS

Agency Name and Code Number: Commission of Public Records 36900
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	n/a	
0	0		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	indeterminate	indeterminate	R	

(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	NFI	NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

State Rules Act, Section 14-4-1 et seq., NMSA 1978 (“Rules Act”).

Administrative Procedures Act, Section 12-8-1 et seq., NMSA 1978 (“A.P.A.”)

HB 358, Pettigrew, Interim Admin. Rules Oversight Committee

HB 360, Pettigrew, Rulemaking Info to State Legislators

HB 452, Armstrong, Rulemaking Response to Public Comments

HB 508, Pettigrew, Rule Change Public Comments

SB 423, Scott, Review and Approval of Rules

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 428 (“bill”) amends the A.P.A. and the Rules Act to require rules promulgated by the corrections department to comply with both statutory frameworks.

Section 1 of the bill amends the definition of “Rule” in the A.P.A. to remove “penal” and “correctional” from the list of types of rules NOT currently included in the definition See, Section 12-8-2, NMSA 1978. This amendment also removes rules related to state penal or correction facilities from the exceptions to Section 33-2-1 NMSA 1978.

Section 2 similarly amends the definition of “rule” in Rules Act to remove “inmates of any penal or” and adds “a person housed at any” from the list of types of rules NOT currently included in the definition. See, Section 14-4-2, NMSA 1978. This amendment removes rules related to state penal facilities from the exceptions to Section 14-4-2.

Section 3 amends Section 33-2-1, NMSA 1978 related to correctional institution’s adoption of rules to expand the application of the section to all rules related to “New Mexico inmates, probationers and parolees under the supervision of the corrections department.” Section 3 also imposes a 45 day public comment period and requires published notice, prior to the adoption, amendment or repeal of any rule.

FISCAL IMPLICATIONS

As the publisher of the Register, the agency can publish these additional corrections department notices of rulemaking and rules within its publishing responsibilities. Depending upon the volume of notices and rules from the corrections department, there would be a small/medium

increase in revenue collected from the corrections department, as a rulemaking agency.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

No significant issues for the agency.

PERFORMANCE IMPLICATIONS

No performance implications for the agency.

ADMINISTRATIVE IMPLICATIONS

See, Fiscal Implications above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS