

LFC Requester:

Helen Gaussoin

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.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}

Date Prepared 2/28/25

Check all that apply:

Bill Number: HB0429

Original Correction

Amendment Substitute

Sponsor: Micaela Lara Cadena

Agency Name

and Code

Dept. of Workforce Solutions-631

Number:

Person Writing

Analysis:

Sarita Nair

Short Appointive Exec. Position

Email

Title: Names & Data

Phone: 505-263-3187

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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

Synopsis:

HB 429 implements a requirement for state agencies or institutions to make publicly available on their websites the names and resumes of no fewer than three finalists for appointive executive positions no fewer than 10 days prior to the final decision to select one of the finalists for the position. If fewer than three applicants or candidates meet the minimum qualifications, those applicants will be considered finalists.

HB 429 also requires state agencies or institutions to maintain a process for collecting demographic data from applicants and candidates for appointive executive positions on a voluntary and anonymous basis to include the applicant or candidate's self-reported sex, gender identity, sexual orientation, race, ethnicity and primary and other languages spoken. While the disclosed information shall not be disclosed to anyone involved in, or who may affect the hiring process, aggregated collected demographic data shall be made publicly available after the finalists are announced but won't contain any personally identifiable information. Records that reveal identity except for finalists as provided in this section, are exempt from inspection pursuant to IPRA and letters of reference or medical or psychological data concerning finalists shall not be made public or available for inspection. HB 429 defines "appointive executive position" and "finalist" for the purpose of this statute.

FISCAL IMPLICATIONS

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

Publication of names of applicants or candidates for appointive executive positions could limit applicants, subjecting candidates to unnecessary public scrutiny for executive positions. Application information is already available to interested parties through the IPRA process.

The collection of demographic data to include self-reported sex, gender identity, sexual orientation, race, ethnicity, and primary other languages spoken is voluntary and purported to be released to the public anonymously, but if the applicant pool is small, the identity of the applicants would be easily detectable. The challenge presented under this bill would be the ability to protect the data and ensure that it cannot be connected to any particular applicant(s). The ten-day disclosure period may delay hiring timelines, particularly in cases with limited applicants.

HB 429 includes an exception of letters of reference of medical and psychological data concerning

finalists that duplicates the current exclusion of letters of memorandums which are matters of public opinion in personnel files but expands it to the applicant records. Gathering and releasing this information may have HIPAA implications or ADA compliance concerns.

HB 429 would repeal NMSA 21-1-16.1 which contains similar requirements for state institutions of higher education which requires that public records containing the identity of or identifying information relating to an applicant or nominee for the position of president of a public institution to be exempt from IPRA. HB 429 goes a step further from 21-1-16.1 which requires the release of the names of finalists to include the release of the application or resume. Similar to the provisions in NMSA 21-1-16.21, there is no current prohibition about the voluntary release of candidate information or the release of applicant information via the IPRA process.

PERFORMANCE IMPLICATIONS

The bill does not state what penalties, if any, are imposed if compliance is not met or who the enforcing body would be.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Agencies or institutions would not be required to publish and release Personal Identifying Information about candidates and applicants for appointive executive positions.

AMENDMENTS