

LFC Requester:	Emily Hilla
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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: 2/24/25 *Check all that apply:*
Bill Number: HJR 19 Original Correction
 Amendment Substitute

Sponsor: Rep. Pettigrew **Agency Name and Code** 430 – Public Regulation Commission
Short Title: Administrative Rule Oversight Committee, CA **Number:** _____
Person Writing Scott Cameron
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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 revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	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:

Section 1 of the Bill seeks to amend Article 4 of the state constitution by adding a new section that would create a new rule oversight committee, including the composition of the committee, its duties and powers, how it will be staffed, when it shall meet, and rule review procedures.

Section 1 of the Bill allows the committee to make a recommendation to the legislature to overturn a rule that it finds is not in compliance with the authorizing law and empowers the legislature to overturn agency rules if so recommended.

Section 2 of the Bill would add the constitutional amendment to the ballot for the next general or special election.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Section 1's requirement for recommendations to be made could delay or significantly impair rulemaking if HJR 19 intends for agencies to consider these recommendations, depending on the deadline for the recommendation. In addition, allowing the committee to make recommendations to the agency during rulemaking, and to later recommend overturning a promulgated rule, may exert undue pressure for an agency to accept the committee's recommendation for fear of being overturned later.

While Section 1(E)(1) of the Bill seems to contemplate an analysis being done during rulemaking, Section 1(F) doesn't seem to have any such time limitation, which would allow the committee to review any rule at any time and recommend overturning it if they see fit, even if the rule was not yet established or was long established. This could create significant disruption for the regulated community, as rules that have long been relied upon may be overturned or newly formulated rules essential for implementing various statutory directives could be overturned in mid-process. This would require new rulemaking, leading to delays before the process is completed.

There is no criteria given for how to determine if a rule "does not comply with the authorizing law" in Section F; this is typically the realm of the NM Supreme Court and allowing for this to be done by the Legislature based upon a recommendation by a Legislative committee is likely contrary to Article III Section 1 of the New Mexico Constitution.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

Adhering to the requirements of HJR 19 when rulemaking will likely increase costs to the agency, as well as time needed to accomplish rulemaking.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 358 INTERIM ADMIN. RULES OVERSIGHT COMMITTEE is not an exact duplicate, but both propose the creation of an interim administrative rule oversight committee and appear to have the same intent.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A