

LFC Requester:

Joseph Simon

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

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

Date Prepared: January 23, 2025

Check all that apply:

Bill Number: HB129

Original  Correction   
Amendment  Substitute

Sponsor: Reena Szczepanski and  
Patricia Roybal Caballero

Agency Name and Code Number: 305 – New Mexico  
Department of Justice

Short Title: Public Employee Probation  
Period

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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
<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**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

HB 129 amends NMSA 1978, Section 10-9-13(E) of the “Personnel Act,” changing the probation period of public employees from one year to one hundred eighty (180) days. Additionally, HB 129 amends this same section to not require an additional probationary period should the public employee transfer or otherwise move to another service assignment.

**FISCAL IMPLICATIONS**

N/A

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**

None noted.

**PERFORMANCE IMPLICATIONS**

None noted.

**ADMINISTRATIVE IMPLICATIONS**

None noted.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None noted.

**TECHNICAL ISSUES**

HB 129 contains the phrase “provided that...” which may cause confusion. In Section 1(E), HB 129 currently reads that the probation period of a public employee is one hundred eighty days “provided that,” after completion, the employee will not be required to complete additional probationary period after transfer or moving to another service assignment. The phrase “provided that...” implies a contingency, the ability to transfer without completing an additional

probationary period, that should occur prior to completion of the probationary period. As this contingency would only apply after completion of the probationary period, the phrase “provided that...” is not necessary. Deleting this phrase and making other minor edits would resolve this issue.

#### **OTHER SUBSTANTIVE ISSUES**

None noted.

#### **ALTERNATIVES**

None noted.

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

Status quo.

#### **AMENDMENTS**

Deleting the phrase “provided that...,” turning the semicolon immediately preceding that phrase into a period and starting a new sentence beginning at “once an employee...” would resolve the Technical Issues above. As an example, see below:

“...without benefit of hearing.; provided that, oOnce an employee...”