

LFC Requester:	Hilla
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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 2/21/2025
Bill No: HB 429

Sponsor: Cadena
Short Title: APPOINTIVE EXEC.
POSITION NAMES & DATA

Agency Name and Code Number: Commission of Public Records
36900
Person Writing: Matthew Ortiz
Phone: 476-7941 **Email:** matt.ortiz@srca.nm.gov

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	NFI	NFI	n/a	

(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	n/a	

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Section 21-1-16.1, NMSA 1978

Human Rights Act, Section 26-1-1 et seq., NMSA 1978 (“HRA”)

Inspection of Public Records Act, Section 14-2-1 et seq., NMSA 1978 (“IPRA”).

Public Records Act, Section 14-3-1 et seq., NMSA 1978.

HB 139, Cates, IPRA Changes

SB 036, A. Sedillo-Lopez, Sensitive Personal Information Non-Disclosure

SB 171, L. Trujillo, Redaction of Personal Info in Public Records

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 429 (“bill”) repeals the statutory section that shields higher education finalists information from public disclosure.

The bill amends IPRA by adding a new section that requires that the names and resumes of no fewer than three finalist for any appointive executive position for any state agency, institution or political subdivision are publicly available on the agency’s institution’s or subdivision’s website. The publicly available information must be made available no fewer than 10 days prior to the final decision to select a finalist. If there are fewer than three applicants/candidates, then those applicants shall be considered finalists. There is also a requirement for a state agency, institution or political subdivision to establish and maintain demographic information data for applicants/candidates for appointive executive positions, on a voluntary basis. The data collected must include the sex, gender identity, sexual orientation, race, ethnicity, and primary and other language spoken. The individual-level data shall be confidential and not be disclosed to any person involved in, or who may affect, the selection, appointment or hiring process. When the finalists are announced, the demographic data collected shall be aggregated and made publicly available, if there is not personally identifiable information. Records that reveal the identity of an applicant or candidate, except for finalists, are exempt from IPRA inspection. Also exempt from public availability and IPRA inspection are letters of reference or psychological data concerning finalists for appointive executive positions.

FISCAL IMPLICATIONS

NFI for the 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

Requiring finalists names and resumes to be made publicly available on public entity websites seem to further and expand upon the original declaration of IPRA public policy in Section 14-2-5 NMSA 1978:

Recognizing that a representative government is dependent upon an informed electorate, the intent of the legislature in enacting the Inspection of Public Records Act is to ensure, and it is declared to be the public policy of this state, that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees. It is the further intent of the legislature, and it is declared to be the public policy of this state, that to provide persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees.

By publishing this information on website, the public would not have need to make IPRA inspection requests. Repealing the higher education statute that shields applicants information makes college and universities appointive positions on par with all other state agencies' positions.

Collecting demographic information from all applicants/candidates for appointive positions touch upon the prohibitions outlined in HRA. Requiring demographic data publicly available may allow the public and, possibly, unsuccessful applicants/candidates to inquire more deeply into the hiring and selection decisions based upon those employment classifications deemed illegal under the HRA.

PERFORMANCE IMPLICATIONS

See, Significant Issues above.

ADMINISTRATIVE IMPLICATIONS

See, Significant Issues above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

See, Significant Issues above.

TECHNICAL ISSUES

See, Significant Issues above.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS