

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: 03.01.2025 *Check all that apply:*
Bill Number: HB508 Original Correction
 Amendment Substitute

Sponsor: Rep. Randall T. Pettigrew **Agency Name and Code:** 430 – Public Regulation Commission
Short Title: RULE CHANGE PUBLIC COMMENT PERIOD **Number:** _____
Person Writing: J. Bogatko **Phone:** (505)490-2696 **Email:** jerri.mares@prc.nm.gov

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 HB 508 amends Section 14-4-2, NMSA 1978. Section 14-4-2(E)(7) strikes “New Mexico”; Section 14-4-2(F) strikes the word “and” at the end of Paragraph F; Section 14-4-2(G) adds “and” to the end of Paragraph G; and a new definition for “substantial change” is added to Section 14-4-2(H), which reads: “‘substantial change’ means a change to a proposed rule that alters the meaning or effect of a regulatory provision of the rule.”

Section 2 of HB 508 adds new material to the State Rules Act that pertains to “Additional Public Comment Periods for Proposed Rules that have a Substantial Change”.

Paragraph A of Section 2 provides that if an agency makes a substantial change to a proposed rule, the agency shall provide an additional twenty-one-day public comment period on the change made to the proposed rule. Further, such a change to a proposed rule triggers the provision of a notice of additional public comment period. The agency shall then consider all information and comments on the changes to the proposed rule that are submitted within the comment period.

Paragraph B of Section 2 specifies that the notice of additional comment period shall contain: (1) a summary of the changes made to the proposed rule; (2) a citation to any technical information that informed the substantial change to the proposed rule and information on how the full text of the technical information may be obtained; (3) information on how a person may comment or submit information referable to the changes to the proposed rule; (4) information on how a copy of the full text of the proposed rule may be obtained; (5) an internet link providing free access to the proposed rule.

Paragraph C provides that a substantial change to a proposed rule does not require an additional public rule hearing.

Paragraph D states that the state records administrator or designee shall publish the notice of the additional public comment period in the New Mexico register.

Paragraph E specifies that if an agency changes the deadlines for submitting comments and information, the agency shall provide notice of the change.

Paragraph F states that an agency may charge a reasonable fee for providing records in nonelectronic format when provided to a person pursuant to this section. Fees cannot be charged for providing records in electronic format.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

Extending public comment period could delay rulemaking, impacting the Commission's ability to timely implement required regulations.

ADMINISTRATIVE IMPLICATIONS

Extending public comment period could delay rulemaking, impacting the Commission's ability to timely implement required regulations.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HB 428 RULES DEFINITIONS FOR CORRECTIONS & SB 423 REVIEW AND APPROVAL OF RULES which also amend Section 14-4-2, NMSA 1978.

There are several bills that propose adding a new section to the State Rules Act.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

None.