

LFC Requester:	
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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 2/24/2025
Bill No: HB 509

Sponsor: Pettigrew
Short Title: RULE CHANGE PUBLIC COMMENT

Agency Name and Code Number: Commission of Public Records 36900
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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	indeterminate	indeterminate	R	

(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	indeterminate	indeterminate	indeterminate	R	

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

State Rules Act, Section 14-4-1 et seq., NMSA 1978 (“Rules Act”).

HB 358, Pettigrew, Interim Admin. Rules Oversight Committee

HB 360, Pettigrew, Rulemaking Info to State Legislators

HB 452, Armstrong, Rulemaking Response to Public Comments

SB 423, Scott, Review and Approval of Rules

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 509 (“bill”) amends the Rules Act by adding a definition for the term “substantial change” that means a change to a proposed rule that alters the meaning or effect of a regulatory provision of a rule. The bill then adds an additional public comment of at least 21 days, after publication of notice in the next issue of the N.M. Register, for any proposed rule change that has a substantial change. An agency with a substantial change to a proposed rule must have a notice that contains: a summary of changes to proposed rule, citation to technical information that served as basis for change, information on how to a person may comment or submit information, information on how a copy of full text of proposed rule may be obtained, and an internet link providing free access to full text of proposed rule. A substantial change to any proposed rule does not require an additional public hearing. If the agency changes the deadline for public comment and information, the agency must provide that information to the public.

FISCAL IMPLICATIONS

As a rule-filing agency, for SRCA (and all rule filing agencies), the potential fiscal impact of requiring rulemaking staff to determine that there’s a substantial change to any proposed rule could be time-consuming and delay final adoption of any proposed rule, depending on the number of substantial comments made. Because there would be an increase in published written material, the costs of publication would increase again depending on the number of substantial comments made.

As the publisher of the Register, the agency can publish these additional notices of substantial changes to proposed rules within its publishing responsibilities. The increase in publishing written comments/agency responses would have a small, indeterminate increase in revenue collected from rulemaking agencies.

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

The A.G. default rule on rulemaking, required by Section 14-4-5.8 NMSA 1978, also touches on this issue of when there is a change to any proposed rule:

C. The agency may adopt, amend or reject the proposed rule. Any amendments to the proposed rule must fall within the scope of the current rulemaking proceeding. Amendments that exceed the scope of the noticed rulemaking may require a new rulemaking proceeding. Amendments to a proposed rule may fall outside of the scope of the rulemaking based on the following factors:

- (1) any person affected by the adoption of the rule, if amended, could not have reasonably expected that the change from the published proposed rule would affect the person's interest;
- (2) subject matter of the amended rule or the issues determined by that rule are different from those in the published proposed rule; or
- (3) effect of the adopted rule differs from the effect of the published proposed rule.

1.24.25.14 NMAC

The considerations for whether an amendment is within the scope of rulemaking proceeding could also be illustrative for whether there is a substantial change to a proposed rule.

PERFORMANCE IMPLICATIONS

See, Significant Issues and Fiscal Implications above.

ADMINISTRATIVE IMPLICATIONS

See, Significant Issues and Fiscal Implications above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

See, Significant Issues and Fiscal Implications above.

TECHNICAL ISSUES

See, Significant Issues and Fiscal Implications above.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS