

1 HOUSE BILL 508
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**
3 INTRODUCED BY
4 Randall T. Pettigrew
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10 AN ACT

11 RELATING TO RULES; REQUIRING STATE AGENCIES TO HOLD ADDITIONAL
12 PUBLIC COMMENT PERIODS WHEN SUBSTANTIAL CHANGES ARE MADE TO
13 PROPOSED RULES.
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 14-4-2 NMSA 1978 (being Laws 1967,
17 Chapter 275, Section 2, as amended) is amended to read:

18 "14-4-2. DEFINITIONS.--As used in the State Rules Act:

19 A. "agency" means any agency, board, commission,
20 department, institution or officer of the state government
21 except the judicial and legislative branches of the state
22 government;

23 B. "person" includes individuals, associations,
24 partnerships, companies, business trusts, political
25 subdivisions and corporations;

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1 C. "proceeding" means a formal agency process or
2 procedure that is commenced or conducted pursuant to the State
3 Rules Act;

4 D. "proposed rule" means a rule that is provided to
5 the public by an agency for review and public comment prior to
6 its adoption, amendment or repeal, and for which there is
7 specific legal authority authorizing the proposed rule;

8 E. "provide to the public" means for an agency to
9 distribute rulemaking information by:

10 (1) posting it on the agency website, if any;

11 (2) posting it on the sunshine portal;

12 (3) making it available in the agency's
13 district, field and regional offices, if any;

14 (4) sending it by electronic mail to persons
15 who have made a written request for notice from the agency of
16 announcements addressing the subject of the rulemaking
17 proceeding and who have provided an electronic mail address to
18 the agency;

19 (5) sending it by electronic mail to persons
20 who have participated in the rulemaking and who have provided
21 an electronic mail address to the agency;

22 (6) sending written notice that includes, at a
23 minimum, an internet and street address where the information
24 may be found to persons who provide a postal address; and

25 (7) providing it to the ~~[New Mexico]~~

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1 legislative council service for distribution to appropriate
2 interim and standing legislative committees;

3 F. "rule" means any rule, regulation or standard,
4 including those that explicitly or implicitly implement or
5 interpret a federal or state legal mandate or other applicable
6 law and amendments thereto or repeals and renewals thereof,
7 issued or promulgated by any agency and purporting to affect
8 one or more agencies besides the agency issuing the rule or to
9 affect persons not members or employees of the issuing agency,
10 including affecting persons served by the agency. An order or
11 decision or other document issued or promulgated in connection
12 with the disposition of any case or agency decision upon a
13 particular matter as applied to a specific set of facts shall
14 not be deemed such a rule, nor shall it constitute specific
15 adoption thereof by the agency. "Rule" does not include rules
16 relating to the management, confinement, discipline or release
17 of inmates of any penal or charitable institution, the New
18 Mexico boys' school, the girls' welfare home or any hospital;
19 rules made relating to the management of any particular
20 educational institution, whether elementary or otherwise; or
21 rules made relating to admissions, discipline, supervision,
22 expulsion or graduation of students from any educational
23 institution; ~~[and]~~

24 G. "rulemaking" means the process for adoption of a
25 new rule or the amendment, readoption or repeal of an existing

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1 rule; and

2 H. "substantial change" means a change to a
3 proposed rule that alters the meaning or effect of a regulatory
4 provision of the rule."

5 SECTION 2. A new section of the State Rules Act is
6 enacted to read:

7 "[NEW MATERIAL] ADDITIONAL PUBLIC COMMENT PERIODS FOR
8 PROPOSED RULES THAT HAVE A SUBSTANTIAL CHANGE.--

9 A. If an agency makes a substantial change to a
10 proposed rule, the agency shall provide an additional twenty-
11 one-day public comment period on the changes made to the
12 proposed rule. An agency that makes a substantial change to a
13 proposed rule shall provide to the public and publish in the
14 New Mexico register a notice of additional public comment
15 period. The notice shall specify a twenty-one-day public
16 comment period after publication in the New Mexico register
17 during which a person may submit information and comment in
18 written or electronic format on the changes to the proposed
19 rule. The agency shall consider all information and comments
20 on the changes to the proposed rule that are submitted within
21 the comment period.

22 B. The notice of additional public comment period
23 shall contain:

24 (1) a summary of the changes made to the
25 proposed rule;

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1 (2) a citation to any technical information
2 that served as the basis for the substantial change and
3 information on how the full text of the technical information
4 may be obtained;

5 (3) information on how a person may comment or
6 submit information on the changes to the proposed rule, where
7 comments and information will be received and when comments and
8 information are due;

9 (4) information on how a copy of the full text
10 of the proposed rule may be obtained; and

11 (5) an internet link providing free access to
12 the full text of the proposed rule.

13 C. A substantial change to a proposed rule does not
14 require an additional public rule hearing.

15 D. The state records administrator or the
16 administrator's designee shall publish the notice of the
17 additional public comment period in the next publication of the
18 New Mexico register.

19 E. If an agency changes the deadline for submitting
20 comments and information, the agency shall provide to the
21 public notice of the change.

22 F. An agency may charge a reasonable fee for
23 providing records in nonelectronic format when provided to a
24 person pursuant to this section. An agency may not charge a
25 fee for providing records in electronic format when provided to

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a person pursuant to this section."