

<b>LFC Requester:</b>	<b>Marty Daly</b>
-----------------------	-------------------

**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**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** February 19, 2015  
**Bill No:** SB 194A-305

**Sponsor:** Sen. Daniel Ivey-Soto  
**Short**    Requirements for Proposing  
**Title:**    & Changing Rules

**Agency Code:** Attorney General's Office  
**Person Writing**    Jennifer Salazar  
**Phone:** 827-6990    **Email** jsalazar@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

**SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**BILL SUMMARY**

Synopsis:

The Senate Judiciary Committee recommends a “do pass” with the following amendments: (1) in Subsection E of Section 1, add language requiring an agency to provide a “postcard notice” to persons who provide the agency with a postal address; (2) completely strike Section 4, which addresses a state agency’s discretion to appoint a “rule drafting committee”; (3) strike language in Section 9 that would otherwise authorize an emergency rule-making if an agency finds that the time required to complete the normal rule-making procedures would “cause unanticipated loss of funding for an agency program”; (4) Under Section 9, insert a statement to clarify that an emergency rule that is not permanently adopted within one hundred eighty days may not be readopted as an emergency rule.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

There are no significant legal issues posed by the Committee’s amendments. The additional language requiring an agency to provide notice by postcard to persons who provide a postal address would increase public access to notice and allow individuals who either don’t have an email address, or don’t have reliable internet access, to receive an agency’s notice of rule-making.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

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

Status quo

**AMENDMENTS**

N/A