FISCAL IMPACT REPORT

BILL NUMBER: CS/House Joint Memorial 2/HJCS
SHORT TITLE: IPRA Implementation Study Task Force
SPONSOR: House Judiciary Committee
LAST UPDATE: **ORIGINAL DATE:** 2/3/2026 **ANALYST:** Gaussoin

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*
(dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		See "Fiscal Implications"			Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Companion to House Bill 201

Sources of Information

LFC Files

Agency or Agencies Providing Analysis
Administrative Office of the Courts
New Mexico Attorney General
Higher Education Department
Public Education Department

Agency Analysis was Solicited but Not Received From
New Mexico Municipal League
New Mexico Counties
State Records Center and Archives

SUMMARY

Synopsis of HJC Substitute for House Joint Memorial 2

The House Judiciary Committee substitute for House Joint Memorial 2 (HJM2/HJCS) requests the Attorney General's office create a task force to study the Inspection of Public Records Act with members from the Attorney General's office, New Mexico Municipal League, New Mexico Counties, New Mexico Foundation for Open Government, American Civil Liberties Union, and New Mexico Press Association. Membership would also include a defense attorney and a plaintiff's attorney specializing in the Inspection of Public Records Act appointed by the attorney general. The memorial asks that the task force comply with the Open Meetings Act and allow input from governmental agencies, colleges and public schools, the courts, district attorneys, public defenders, records custodians, broadcast journalists, and other interested parties.

The task force would evaluate the act's workability and effectiveness and would, if necessary, draft proposed administration solutions or legislation for the Legislature to consider in 2027. The task force is asked to report on its recommendations to the interim legislative Courts, Corrections and Justice Committee by October 1, 2026.

FISCAL IMPLICATIONS

Memorials do not contain appropriations and are not enforceable as state law. Absent an appropriation, the agencies involved would likely absorb the costs of organizing and participating in the task force. However, the activities of a task force necessarily involve resources. The cost of mileage, staff time, and any needed contractual services are estimated to total up to $100 thousand.

Notably, House Bill 201 as amended by the House Appropriations and Finance Act would appropriate $125 thousand from the general fund to the Attorney General's Office to spend in fiscal years 2026 and 2027 on a task force studying the Inspection of Public Records Act (IPRA).

SIGNIFICANT ISSUES

IPRA, enacted in 1947, allows the public to access most public records with the intent that transparency makes government agencies more accountable and promotes trust among the public. The state Supreme Court has generally interpreted the law broadly, providing access to records not accessible on a federal level or in other states.

The Administrative Office of the Courts (AOC), while noting the importance of the act's purpose, suggests it is in need of an update:

> An act passed when locating a record by searching for a paper file in a filing cabinet has not been significantly modified to address a world where even small agencies are creating thousands of records a day in the form of emails and other digital files. Given the steep penalties for [agency] noncompliance (up to $100/day) and the short response time (no later than 15 days), agencies are forced to constantly increase staff to manage the demands for records or face the high costs of noncompliance. Additionally, the ease with which a person may request records and the sheer volume of records means that every agency must dedicate staff to reviewing all records. A request for "all emails" is allowed under the statute and has the potential to consume huge amounts of staff time. Almost without exception, all agencies and local public bodies have seen a dramatic increase in the number of requests.

AOC suggests the court process under the current law has unforeseen consequences for both the courts and plaintiffs, with courts overwhelmed by the number of documents involved, causing litigation delays, and requests sometimes delayed or denied on the grounds they are "excessively burdensome or broad," a term that is not defined in law and that creates a "procedural limbo."

AOC further notes:

> A high-level comprehensive review would benefit the state to help bring together interested parties and address the act as a whole instead of using a piece-meal approach when a single issue garners enough attention for a specific carve-out. For example, it was not until 2023 that agencies had clear statutory language that protected the privacy of

> victims by preventing visual depictions of a dead body from being released as a public record. A commission as envisioned could address a world of digital documents while also protecting the public's right to information.

In 2025 legislation to broadly restrict the law (House Bills 139 and 497), several agencies lauded the proposal for what they saw as a balance between the need for transparency and the burden faced by government organizations in responding to the law. The agencies reported their litigation costs would be reduced and they would be able to eliminate positions now dedicated to responding to records requests. However, the Commission of Public Records saw the proposals as not in keeping with the spirit of the law, and the Administrative Office of the Courts, New Mexico Attorney General, and others raised legal concerns. House Bill 139 was eventually withdrawn by the sponsor and House Bill 497 was never heard.

The Public Education Department (PED) in analysis of this memorial notes the current IPRA creates timing and resource issues for state agencies:

> From the date of receiving a properly filed IPRA request, the agency has three days to send a letter of receipt, and from the date of sending that, an agency has 15 days to fully complete the request. So-called "burdensome letters" often must be sent to avoid late fulfillment or de facto denials of the request. This can be particularly true in agencies, such as PED, that may not have large teams of staff devoted to the processing and completion of IPRA requests. Recent case law, however, suggests that having a small response team is an insufficient excuse to lengthen the time needed to complete these requests. This creates additional burdens for agencies that have limited FTE and fiscal resources to devote to the satisfaction of IPRA requests paired with limited response times. Frequently, necessary documentation and information must come from parties within an agency that are not exclusively dedicated to the satisfaction of these requests, thus diverting time and resources away from other required programs and activities of the agency.

PED echoes AOC's comment that IPRA requests are growing in number and complexity, with requestors becoming more likely to employ attorneys, "which can make the interplay somewhat combative."

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Joint Memorial 2 is related to House Bill 201, which provides $125 thousand to the Attorney General for a task force on IPRA.

TECHNICAL ISSUES

The members listed include a broadcast journalist, while journalists come from many media.

OTHER SUBSTANTIVE ISSUES

PED notes:

> In 2024, New York University's *Journal of Legislation and Public Policy* included a systematic review of all 50 states' "freedom of information" laws and found substantive differences. For example, the mean number of days to respond or close an information

request ranged from around 8.8 in states like Nebraska and New Jersey to 423.2 in Arizona (while not as quick as those mentioned above, New Mexico has a response time on the shorter end of the spectrum). Along the same lines, a review by a legal discovery technology company produced similar results with New Mexico achieving average scores across all 50 states.

With these differences, there has been efforts in some states to reform these systems. Colorado for example has put forward several different bills over the years to improve its system such as in 2014 where lawmakers passed a proposal to cap charges for filing requests to four times the Colorado minimum wage. However, a 2022 bipartisan attempt that would have, among other provisions, abolished per-page fees for electronic record requests, failed to become law. More recently, Oklahoma managed to pass House Bill 2163, that would have formally created a Public Access Counselor Unit in the attorney general's office and established a deadline-laden process to help those seeking public records. However, this attempt was formally vetoed by the governor (albeit to public backlash from the attorney general and others).

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