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FISCAL IMPACT REPORT



SPONSOR: Cervantes DATE TYPED: 2/5/02 HB 396

SHORT TITLE: Violation of Open Meetings Act SB _____

ANALYST: J. Sandoval

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
		\$0.1 Indeterminate			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC files

Responses Received From
Attorney General's Office

SUMMARY

Synopsis of Bill

House Bill 396 amends the Open Meetings Act adding a new subsection that authorizes a court to assess a civil penalty against any member of a public body who the court finds has willfully and knowingly violated Section 10-15-1 or 10-15-2 NMSA 1978. The amount of the penalty shall not exceed the higher of \$1000 or the cost to the public body of correcting any action invalidated because of the violation. Any civil damages authorized and awarded are the personal liability of the member of the public body and are not to be paid or reimbursed with public funds. This bill also increases the criminal penalties from five hundred dollars (\$500) to one thousand dollars (\$1000) for each offense and provides that each action taken by a public body at a meeting held in violation of the Act is a separate offense.

FISCAL IMPLICATIONS

Indeterminate.

TECHNICAL ISSUES

Page 4, Line 1 of this bill refers to the “Open Meetings Act”. Even though Sections 10-15-1 through 10-15-4 NMSA 1978 is commonly referred to as the “Open Meetings Act” there is no short title written into statute that legal declares this section of New Mexico statute as the “Open Meetings Act”. Using the name “Open Meetings Act” in statute could cause a legal complication. It is advisable that Sections 10-15-1 through 10-15-1 NMSA 1978 be included on page 4, line 1 of this bill, to identify the Open Meetings Act.

POSSIBLE QUESTIONS

1. When was the last time these fees were increased?
2. Where are these fees deposited?

JFS/njw