

LFC Requester:	Joseph Simon
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.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: **Date** 01/31/2024
Original **Amendment** **Bill No:** HB 287
Correction **Substitute**

Sponsor: Meredith Dixon; Tara Jaramillo; Marian Matthews; Gail Armstrong **Agency Name and Code** 361-OBAE
Number: _____
Person Writing Vanessa Willock
Short Title: N/A **Phone:** 505-629-6004 **Email** Vanessa.Willock@connect.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

- 1) HB 287 creates a new section of the Sunshine Portal Transparency Act titled “Publication of Legal Settlement Agreements”.
 - a. The new section requires an agency who enters into a settlement agreement without the assistance of the risk management division of GSD, to upload to the sunshine portal for publication the terms of the settlement agreement in a downloadable format for free public access, unless the settlement agreement provides that the settlement is confidential, within thirty days of entering into the agreement.
- 2) HB 287 amends the definition of “director” and adds a definition for “division” within the Risk Management Division statute and re-letters the section accordingly.
- 3) HB 287 creates an additional new section titled “Loss Prevention Review Teams—Membership—Duties—Reporting”.
 - a. The new section requires state agencies to notify the risk management division immediately upon becoming aware of an individual’s death or serious injury or other substantial loss that is alleged or suspected to be caused at least in part by the actions of a state agency; and requires a state agency to appoint a loss prevention review team within 30 days of any such occurrence. The agency must do so in consultation with the division. The section further outlines the membership of any such review team and lays out the duties of the review team and process for their review. Requires the review team to submit a report in writing to the director of the division and head of the state agency involved and defines the content of the report and provides a time-frame for the completion of said report.
 - b. Provides for the promulgation of rules to implement the section.
 - c. Requires a report on or before October 1st of each year to the legislature from the division director identifying the loss prevention reviews conducted in the past fiscal year and defines the content of that report.
 - d. Provides definitions of “serious injury” and “substantial loss” for purposes of the section.
 - e. Provides for an effective date of July 1, 2024.

FISCAL IMPLICATIONS

None to OBAE

SIGNIFICANT ISSUES

None for OBAE

PERFORMANCE IMPLICATIONS

None to OBAE

ADMINISTRATIVE IMPLICATIONS

None to OBAE generally, however, in the rare and unexpected case of such an occurrence, personnel may need to be assigned to coordinate and complete the required review.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

None for OBAE

OTHER SUBSTANTIVE ISSUES

None for OBAE

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

None