

LFC Requester: Joseph Simon

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.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:

Original [X] Amendment []
Correction [] Substitute []

Date 1 FEB 24

Bill No: HB 287

Sponsor: M. Dixon; T. Jaramillo; M. Matthews; G. Armstrong

Agency Name and Code 790-Department of Public Safety
Number:

Person Writing Brianne A. Bigej

Short Title: Legal Settlement Agreement
Publication

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Table with 4 columns: Appropriation (FY24, FY25), Recurring or Nonrecurring, Fund Affected. Row 1: NFI, NFI, N/A, N/A.

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Table with 5 columns: Estimated Revenue (FY24, FY25, FY26), Recurring or Nonrecurring, Fund Affected. Row 1: NFI, NFI, NFI, 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	NFI	NFI	NFI	NFI	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

This bill proposes to clarifying changes to the definitions and adds requirements to the Sunshine Portal Transparency Act, mandating that state agencies 1) provide copies of settlement agreements entered into without assistance by the risk management division for publication on sunshine portal within thirty (30) days of entering into the agreement; and, 2) appoint a loss prevention review team comprised of at least three individuals including one expert to conduct a review within six months of deaths, serious injuries or substantial losses occurring within the agency whenever the incident is alleged or suspected to be caused at least by the actions of a state agency, and requiring the report contain findings and proposed changes to policy and procedures, including legislative recommendations to address and monitor risk treatment strategies.

FISCAL IMPLICATIONS

No fiscal implication for the Department of Public Safety.

SIGNIFICANT ISSUES

The bill contains no exceptions for the loss prevention report to remain confidential as there is no clear IPRA exception and could lead to increased filings of claims and lawsuits against the state.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

This legislation could prove burdensome on DPS. Incidents that result in death or serious injury of another person or an employee occur as a result of calls for service or criminal investigations. The investigations that follow these events are extensive and time-consuming. The timeframe as outlined in the bill is unrealistic for DPS and could result in an incomplete review and flawed findings.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS