

LFC Requester:

Gaussoin

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://agencyanalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.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}***Date Prepared:** 1/18/26*Check all that apply:***Bill Number:** HJM 2Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:** Rep. Cathrynn N. Brown**Short Title:** IPRA Implementation Study**Title:** Task Force**Agency Name  
and Code****Number:**AOC  
218**Person Writing****Phone:** 505-487-6140

Aaron Holloman

**Email** aocash@nmcourts.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	Rec.	General

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) indicate revenue decreases)

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

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

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

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: HJM 2 resolves that the Attorney General be directed to convene a task force to:

- Study the implementation of the Inspection of Public Records Act (IPRA);
- Gather input from relevant stakeholders;
- Evaluate the Act's workability, functionality and effectiveness in ensuring government transparency and serving the public interest and
- If necessary, draft proposed legislation based on the task force's finding and recommendations for consideration during the first session of the 58<sup>th</sup> legislature.

The joint memorial further resolves that the task force consist of one representative from each of the following: the Attorney General's Office (AG); the Administrative Office of the Courts (AOC); the Higher Education Dept.; the NM Municipal League; the NM Assoc. of Counties; the NM Foundation for Open Government; the American Civil Liberties Union of NM; and the NM Press Association.

The joint memorial also resolves that the task force include a defense attorney specializing in IPRA, a plaintiff's attorney specializing in IPRA and a public school records custodian.

The joint memorial resolves that the task force provide public notice of its meetings and allow the public to provide input on the work of the task forces.

#### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for transmittal of the memorial to the proposed task force participants. Any additional fiscal impact on the judiciary would be related to the participation of AOC personnel in the task force and its affairs.

#### **SIGNIFICANT ISSUES**

The Inspection of Public Records Act serves an important purpose in that it allows the public to be informed of what government agencies are doing. This transparency, allowing any member of the public to examine any public record reinforces the trust that has been placed by the people in their government.

The Act, which was first enacted in 1947, has not seen a major update addressing the changing landscape of what constitutes a "record." 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 non-compliance (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 non-compliance. 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.

The courts, as adjudicators of IPRA disputes, are placed in a difficult position where even a small case can involve review of thousands of documents, they are not able to adequately resolve disputes without the risk of any delay only serving to increase the eventual penalty. The Act also creates a procedural limbo for requestors where a request may be deemed “excessively burdensome or broad” but the requestor is not able to pursue litigation until a “reasonable amount of time” has passed, a statutory standard that may result in inconsistent application across cases.

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.

#### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. It does not appear that this memorial will have an impact on the following measures of the district courts:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

#### **ADMINISTRATIVE IMPLICATIONS**

See “Fiscal Implications,” above.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

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

#### **AMENDMENTS**