

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Lara ORIGINAL DATE 2/21/19
LAST UPDATED _____ HB 614

SHORT TITLE Exempt Certain School Records from IPRA SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)
Public Schools Insurance Authority (PSIA)

SUMMARY

Synopsis of Bill

House Bill 614 adds new material to the Public School Insurance Authority Act exempting from inspection the following records:

- (1) Records pertaining to insurance coverage provided that any record of a particular coverage shall be available to a public officer, public employee, or governmental entity insured under such coverage; and
- (2) Records pertaining to claims for damages or other relief against any governmental entity or public officer or employee provided that such records shall be subject to public inspection by New Mexico residents 180 days after the latest of the following dates:
 - (a) The date all statutes of limitation applicable to the claim have run;
 - (b) The date all litigation involving the claim and the occurrence giving rise thereto has been brought to final judgment and all appeals and rights to appeal have been exhausted;
 - (c) The date the claim is fully and finally settled; or
 - (d) The date the claim has been placed on closed status.

FISCAL IMPLICATIONS

There will likely be no fiscal impact resulting from enactment of HB614.

SIGNIFICANT ISSUES

HB614 provides NMPSIA the same exemptions from the Inspection of Public Records Act as the General Services Department (GSD). The existing GSD statute is ambiguous and leads to confusion as to when records should be released. If enacted, it is likely HB614 would create similar issues for PSIA settlements.

CJ/al