

LFC Requester:

Joseph Simon

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

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 Prepared: 01/31/2024

Bill No: HB 287

Sponsor: Rep. Dixon; et. al.

Short Title: LEGAL SETTLEMENT
AGREEMENT
PUBLICATION

Agency Name and Code Number: 305 – New Mexico
Department of Justice

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(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						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

House Bill (“HB”) 287 would add a new section to the Sunshine Portal Transparency Act, NMSA 1978 §§ 10–16D–1 to 10–16D–6, requiring settlement agreements entered into by state agencies to be published in the Sunshine Portal within 30 days of entering into the agreement. If passed, it will also amend NMSA 1978 Section 15-7-1 to add implementing definitions. It will also add an entirely new section to the Risk Management Division enabling statutes, NMSA 1978 15-7-1 to 15-7-11 which will require state agencies to form Loss Prevention Review teams to review circumstances involving individuals’ death, serious injury or other substantial loss that may have been caused wholly or in part by the actions of the agency.

FISCAL IMPLICATIONS

No known fiscal implications to this office

SIGNIFICANT ISSUES

There could be more clarity on the specific timelines for mandating the completion of the report and the other triggering events. The last clause of subsection D of the section titled “Loss Prevention Review Teams—Membership—Duties—Reporting--” beginning on page 4, line 25 and ending on page 5, line 4 requires the report be completed within six months of the occurrence of the incident, where the rest of the subsections (specifically subsections A and B) state the time limits are triggered at the moment the agency, “becomes aware of” an individual’s death, serious injury or substantial loss.

PERFORMANCE IMPLICATIONS

No known performance implications to this office.

ADMINISTRATIVE IMPLICATIONS

No known administrative implications to this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Subsection (F) vests the director with the rule-making authority necessary to implement HB287.

Notably, NMSA 1978 § 15-7-3(D) empowers the risk management advisory board to review all rules promulgated by RMD.

TECHNICAL ISSUES

It may be beneficial to break subsection (D) of the “Loss Prevention Review Teams—Membership—Duties—Reporting--” section into smaller subsections. For instance, on page 4, line 14, beginning with “The report shall” and ending at line 21 could be split into elements 1, 2, 3, 4, etc. This would provide clarity on the specific elements that a Loss Prevention Review team report must include.

On page 5, line 1 “of the” is repeated twice before moving onto “occurrence of the incident.”

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS