

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 34

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

RELATING TO RISK MANAGEMENT; ALLOWING PROMPTER PUBLIC  
INSPECTION OF RECORDS PERTAINING TO CLAIMS FOR DAMAGES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 15-7-9 NMSA 1978 (being Laws 1981,  
Chapter 280, Section 1) is amended to read:

"15-7-9. CONFIDENTIALITY OF RECORDS--PENALTY. --

A. The following records created or maintained by  
the risk management division of the general services  
department are confidential and shall not be subject to any  
right of inspection by any person not a state officer, member  
of the legislature or state employee within the scope of his  
official duties:

(1) records pertaining to insurance coverage;  
provided any record of a particular coverage shall be

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = del ete

1 available to any public officer, public employee or  
2 governmental entity insured under such coverage; and

3 (2) records pertaining to claims for damages  
4 or other relief against any governmental entity or public  
5 officer or employee; provided such records shall be subject to  
6 public inspection by New Mexico citizens [~~one hundred eighty~~]  
7 thirty days after the latest of the following dates:

8 (a) the date all statutes of limitation  
9 applicable to the claim have run;

10 (b) the date all litigation involving  
11 the claim and the occurrence giving rise thereto has been  
12 brought to final judgment and all appeals and rights to appeal  
13 have been exhausted;

14 (c) the date the claim is fully and  
15 finally settled; or

16 (d) the date the claim has been placed  
17 on closed status.

18 B. Records protected pursuant to Subsection A of  
19 this section shall be made available as necessary for purposes  
20 of audit or defense. Any person performing such audit or  
21 providing such defense shall keep such records confidential,  
22 except as required otherwise by law.

23 C. Any person who reveals records protected  
24 pursuant to Subsection A of this section to another person in  
25 violation of this section is guilty of a misdemeanor and

underscoring material = new  
~~[bracketed material]~~ = delete

1 shall, upon conviction, be fined not more than one thousand  
2 dollars (\$1,000). The state shall not employ any person so  
3 convicted for a period of five years after the date of  
4 conviction. "

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
4  
5

6 January 25, 1999  
7

8 Mr. Speaker:  
9

10 Your JUDICIARY COMMITTEE, to whom has been referred  
11

12 HOUSE BILL 34  
13

14 has had it under consideration and reports same with  
15 recommendation that it DO PASS.  
16

17 Respectfully submitted,  
18

19  
20 \_\_\_\_\_  
21 R. David Pederson, Chairman  
22  
23  
24  
25

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

Page 5

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 12 For 0 Against

Yes: 12

Excused: None

Absent: None

J: \99BillSWP\H0034

underscored material = new  
[bracketed material] = delete