

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 317

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO PUBLIC MONEY; REQUIRING POSTING ON THE SUNSHINE
PORTAL OF FACTS REGARDING THE AMOUNT OF ANY STATE PUBLIC MONEY
PAID IN SETTLEMENT OF HUMAN RIGHTS CLAIMS; AMENDING A SECTION
OF THE NMSA 1978 REGARDING CONFIDENTIALITY OF RECORDS.

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

SECTION 1. ~~[NEW MATERIAL]~~ HUMAN RIGHTS CLAIMS--
SETTLEMENTS--PAYMENT OF DAMAGES AND FEES WITH PUBLIC
MONEY--SUNSHINE PORTAL.--

A. After the conclusion of the applicable period as
provided for in Section 15-7-9 NMSA 1978, the human rights
commission or a state agency that is a party to a settlement
agreement arising from a claim filed with the United States
equal employment opportunity commission shall post on the
sunshine portal:

.214607.2

underscoring material = new
[bracketed material] = delete

1 (1) the nature of the claim, excluding the
2 names or job titles of individual claimants, appellants or
3 respondents;

4 (2) the name of the state agency, department
5 or office against which the claim was made; and

6 (3) the total amount of state public money
7 paid to settle the claim, including damages and attorney fees.

8 B. The posting shall occur within thirty days of
9 the conclusion of the applicable period as provided for in
10 Section 15-7-9 NMSA 1978.

11 C. As used in this section, "state" means a state
12 agency, department or office that has authority to contract in
13 the name of the state or to make payments from state funds.

14 SECTION 2. Section 15-7-9 NMSA 1978 (being Laws 1981,
15 Chapter 280, Section 1) is amended to read:

16 "15-7-9. CONFIDENTIALITY OF RECORDS--PENALTY.--

17 A. The following records created or maintained by
18 the risk management division of the general services department
19 are confidential and shall not be subject to any right of
20 inspection by any person who is not a state officer, member of
21 the legislature or state employee within the scope of [~~his~~]
22 official duties:

23 (1) records pertaining to insurance coverage;
24 provided any record of a particular coverage shall be available
25 to any public officer, public employee or governmental entity

.214607.2

1 insured under such coverage; and

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

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

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

14 [~~(c)]~~ (b) the date the claim is fully
15 and 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 shall,

.214607.2

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

4 SECTION 3. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2019.