

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:

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

1 (1) a summary of the facts leading to the  
2 settlement agreement, including the name of the state agency,  
3 department or office involved in the settlement but not  
4 including the names or job titles of individual claimants,  
5 appellants or respondents; and

6 (2) the amount of state public money paid for  
7 actual or compensatory 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

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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:

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

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

13 ~~[(c)]~~ (b) the date the claim is fully  
14 and finally settled; or

15 ~~[(d)]~~ (c) the date the claim has been  
16 placed on closed status.

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

22 C. Any person who reveals records protected  
23 pursuant to Subsection A of this section to another person in  
24 violation of this section is guilty of a misdemeanor and shall,  
25 upon conviction, be fined not more than one thousand dollars

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1 (\$1,000). The state shall not employ any person so convicted  
2 for a period of five years after the date of conviction."

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