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FISCAL IMPACT REPORT

SPONSOR Taylor, JP DATE TYPED 2/8/2004 HB 309/aHAFC

SHORT TITLE Public & Confidential Records Retention SB _____

ANALYST Bransford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General (AG)
Administrative Office of the Courts (AOC)

No Response

State Commission of Public Records

SUMMARY

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment removes the \$25 thousand appropriation to the State Commission of Public Records.

Synopsis of Original Bill

House Bill 309 appropriates \$25 thousand from the general fund to the state commission of public records to initiate a training program in confidential records retention.

It also amends Section 14-2-2 NMSA 1978 of the Public Records Act to define “personal identification information”, “records custodian”, and “records retention and disposition schedules.” The legislation adds a new section to the Act restricting access to confidential public records for a limited period of time.

Significant Issues

The legislation requires **personal** identification information deemed confidential by law to remain confidential for 100 years after its creation, but requires other public records deemed confidential by law to remain confidential for 25 years after creation.

FISCAL IMPLICATIONS

The appropriation of \$25 thousand contained in this bill is a non-recurring expense to the general fund for the purpose of developing and delivering a training program to instruct state agencies on the implementation of the confidential records retention provision. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

OTHER SUBSTANTIVE ISSUES

The Attorney General reports the provisions of the legislation may lead to confusion on what public records and personal identification information are accessible to the public under the Inspection of Public Records Act.

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