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FISCAL IMPACT REPORT

ORIGINAL DATE 02/02/12

SPONSOR Ulibarri LAST UPDATED _____ HB _____

SHORT TITLE County Record Indexing SB 245

ANALYST Soderquist

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY12	FY13		
	NFI	Recurring	General Fund
	Indeterminate	Recurring	County Governments

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Attorney General's Office
 State Commission of Public Records

SUMMARY

Synopsis of Bill

Senate Bill 245 reconciles conflicting amendments made in 2011 to the same section of the Inspection of Public Records Act (IPRA); provides that IPRA's provisions regarding access to public data in electronic format do not limit the ability of counties and municipalities to engage in the sale of data as authorized by law; eliminates restrictions on the use of state agency databases for political and commercial purposes; enacts provisions governing access to property and taxation records in county and municipal databases; and updates the requirements for a county's index of real property records.

FISCAL IMPLICATIONS

SB 245 would have no fiscal impact for state agencies. As counties would be allowed to charge a reasonable fee for access to database information under the legislation, an indeterminate additional income could be generated for counties.

SIGNIFICANT ISSUES

According to the response from the Attorney General’s Office (AGO), the removal of the need for state agency approval to use the state agency’s database for political or commercial purposes potentially removes any control an agency would otherwise have over the potential misuse of information in the databases by private commercial and political entities or the perception that the agency supports or approves of the political or commercial purpose for which the database information is used.

The Commission of Public Records has a different interpretation of the proposed legislation, stating that while it does remove the discretion of agencies to authorize the use of database material, existing statutes still prohibit that material from being used for solicitation or advertisement.

PERFORMANCE IMPLICATIONS

No significant implications for state agencies.

ADMINISTRATIVE IMPLICATIONS

No significant implications for state agencies.

TECHNICAL ISSUES

The response from the AGO expresses concerns that the first sentence in the new subsection F to Section 14-3-18 in Section 4 of the legislation is “awkwardly worded”. Current language states in part: “A county or municipality that has inserted data in *a computer database created to record property rights or taxation records* shall authorize an electronic copy to be made *of the computer database of a public record....*” The AGO response states that it might be better to rephrase the italicized parts of the sentence to refer to “property records or taxation records in a computer database” and to clarify that only those property records or taxation records that are public records can be provided.

The Attorney General’s Office and the Commission of Public Records would appear to have conflicting views on the potential use of database information for political or commercial purposes should the proposed legislation be enacted.

ALTERNATIVES

None provided.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Current statute will remain in force. However, if provisions that reconcile conflicting amendments in the same section of IPRA are not adopted, some of those amendments will not be codified into law.

ANA/lj