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FISCAL IMPACT REPORT

ORIGINAL DATE 01/28/13

1/27/2013 LAST

SPONSOR Martinez UPDATED _____ HB _____

SHORT TITLE Transfer Community Land Grant Registry SB 38

ANALYST Cerny

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
NFI	NFI		None

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

State Commission of Public Records (CPR)

Secretary of State (SOS)

Department of Finance and Administration (DFA)

Attorney General (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 38 transfers the responsibility for the NM Community Land Grant Registry (NMCLGR) from the Secretary of State to the Land Grant Council (“Council”) and establishes the Council shall store original documents and maps in the State Records Center and Archives. An emergency clause is attached to this bill.

FISCAL IMPLICATIONS

CPR indicates fiscal impact would be minimal with regard to staffing.

DFA and SOS both indicate no significant financial impact.

SIGNIFICANT ISSUES

The NMCLGR would be maintained by the Council, which is a statutorily-created group of five members, appointed by the governor, for staggered four-year terms, and it is administratively attached to DFA.

The purpose of the Council is to establish a land grant support program to land grants, provide assistance and advice and act as a liaison between the land grants and federal, local and state governments. SOS states: “The transfer of the duty to maintain the community land grant registry is consistent with the other responsibilities and duties of the Land Grant Council and would provide for a more efficient and consistent manner for land grants to have one central office to register their land grants and seek assistance related to land grants.”

DFA states: “The Land Grant Council is not a state agency, and therefore, cannot store or retrieve documents from the State Archives and Records Center directly. Since the Land Grant Council is administratively attached to the Department of Finance and Administration (DFA), the Land Grant Council would have to go through DFA for their storing and retrieval needs. Currently, the Archives and Records Center does not have a schedule for storing these documents; DFA would have to develop a schedule for them. Depending upon the volume of storage needs and retrieval requests, this could add a burden to DFA staff.”

Further, DFA states: “With the transfer of the duty to maintain the community land grant registry to the Land Grant Council, there will no longer be a state agency providing oversight of this registry.”

CPR reports that its archives are near capacity, stating: “Requiring the Land Grant Council to store records in the archives would potentially be impossible until the archives are expanded.”

CPR confirmed that the historical records cited in this bill are significant and would become part of the State Archives, not the State Record Center. It is important to note that records stored in the archives become the legal property of the agency so that the archives staff has full authority to preserve and protect the documents and also to make them available to the public in digitized form.

This also means that, once accepted and processed by CPR, these historical records would be easily retrievable by the Council.

SB 38 does not address where current, as opposed to historical, records of the NMCLGR would be stored, though it does indicate that the LGC would keep them on file.

AGO states there is no legal impediment to the transfer of the NMCLGR to the Council.

ADMINISTRATIVE IMPLICATIONS

DFA states: “SB 38 adds additional administrative work to DFA due to the need to develop a schedule with the State Archives and Records Center for the Land Grant Council, and due to the associated storage and retrieval of documents.”

OTHER SUBSTANTIVE ISSUES

CPR is hoping to increase its storage capacity in the near future. CPR states: “In August, the agency submitted a \$12 million dollar ICIP request to expand the archives and the records warehouse. The committee reduced the amount to \$400.0 to begin development and design. If this amount is approved the agency will begin the process of doubling the space available for storage.”