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FISCAL IMPACT REPORT

SPONSOR M. Sanchez ORIGINAL DATE 01/16/14
LAST UPDATED _____ HB _____

SHORT TITLE State Fair Commission Meetings & Powers SB 2

ANALYST Clark

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Attorney General's Office (AGO)

No Response Received From
State Fair

SUMMARY

Synopsis of Bill

Senate Bill 2 amends Section 16-6-4 NMSA 1978 and performs three functions. First, the bill clarifies existing language. Second, the bill allows the State Fair Commission or an individual commissioner to request and receive public records of the State Fair without resort to another law, rule, or procedure; without paying a fee; and without stating a reason for the request. The State Fair shall provide the requested public records within three days of a written request that describes the records sought with reasonable particularity. Third, the bill changes the requirement for annual meetings of the commission to quarterly meetings on the first Monday in January, April, July, and August of each year.

FISCAL IMPLICATIONS

There is no fiscal impact.

SIGNIFICANT ISSUES

The State Fair Commission met just once in 2012, fulfilling the current statutory obligation but

providing little oversight for the agency or the annual fair event. At the commission's meeting in January 2013, the commission agreed to adopt quarterly meetings for the remainder of the calendar year.

The Attorney General's Office provided the following notes concerning implementation of the bill.

SB 2 identifies no exemptions or exceptions to the requirement that public records of the state fair requested by the commission or an individual commissioner be provided within three days of the receipt of a written request. There is no provision for the exemption or redaction of information that is otherwise protected or confidential, such as but not limited to protected personal identifier information about employees, or trade secrets.

The bill also appears to impose an obligation on exhibitors to produce public records. Although the term "exhibitor" is not defined, it is presumed to include private individuals or entities that exhibit at the state fair. There is a serious issue as to whether the commission or a commissioner has authority to direct an exhibitor that is not a public body to produce records, even if the records requested were public records.

TECHNICAL ISSUES

The bill requires quarterly meetings, but specifies two months occurring in the third calendar quarter and first fiscal quarter of the year, leaving no month specified for the fourth calendar quarter and second fiscal quarter of the year. Changing "August" to "October" would resolve the conflict.

JC/ds