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| LFC Requester: | Mercer-Garcia |
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**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 1/30/2025
Bill No: HB 203

Sponsor: Dixon
Short Title: Use of State Devices for CYFD Business

Agency Name and Code Number: Commission of Public Records 36900
Person Writing: Matthew Ortiz
Phone: 476-7941 **Email:** matt.ortiz@srca.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY25 | FY26 | | |
| NFI | NFI | n/a | |
| 0 | 0 | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY25 | FY26 | FY27 | | |
| NFI | NFI | NFI | n/a | |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY25 | FY26 | FY27 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | NFI | NFI | NFI | NFI | n/a | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 203 adds a new section that requires Children, Youth & Families Department (“CYFD”) employees to only use department-issued electronic devices. The issued devices must have applications and software be compliant with federal, state, local, territorial and tribal data retention protection laws. CYFD must have a backup system, approved by DOIT, that performs an hourly backup of all electronic documents. There is a retention period requirement on CYFD to retain all terminated employees’ electronic records stored on electronic devices for a period of 24 years after an employee’s termination.

FISCAL IMPLICATIONS

NFI on SRCA.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

The 24 year retention period contained in Subsection D conflicts with the current records retention period established by rule under the Public Records Act, Sections 14-3-1 et seq. NMSA 1978. CYFD has many classifications of records that are either much less than employee’s employment duration plus twenty-four years or are permanent. A couple of examples of permanent classifications are 1.21.2.626 NMAC, Adoption case files; and 1.21.2.802 NMAC, Foster Care case files.

Requiring CYFD to have its devices compliant with ‘... federal, state, local, territorial and tribal data retention protection laws’ would be an onerous requirement, as CYFD has to comply with Public Records Act requirements, Sections 14-3-1 et seq. NMSA 1978.

By removing the cross-reference to IPRA, the amendment will allow for more information than what is considered protected information under IPRA (see, Subsection F of Section 14-2-6

NMSA 1978.

SRCA does not have any concern with the bill as written and as such sees no significant issues with SB171.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

See, Significant Issues above.

TECHNICAL ISSUES

See, Significant Issues above.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS