

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/19/07
 LAST UPDATED 3/01/07 HB 1027/aHCPAC

SPONSOR Lundstrom

SHORT TITLE Public Record Inspection Exemption SB _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 950

Relates to SB 829

SOURCES OF INFORMATION

LFC Files

Responses Received From

Commission of Public Records (CPR)

Attorney General's Office (AGO)

SUMMARY

Synopsis of HCPAC Amendment

House Consumer and Public Affairs Committee amendment specified that those who reside in a domestic violence shelter, whose residence has been secured by a domestic violence shelter program, who are protected under an order of protection issued pursuant to Chapter 40, Article 13 NMSA 1978 or other such court-ordered protection and shall be exempt from public records inspection.

Synopsis of Original Bill

House Bill 1027 amends the public records inspection act by adding a new and very narrow exception. The new exception would exempt the home addresses of municipal or county utilities' customers from inspection under the inspection of public records act.

SIGNIFICANT ISSUES

Although the Commission of Public Records indicates it is unaware of the genesis of the bill, the assumption is that it is an effort to hamper identity theft and/or prevent the use of the information for solicitation.

ADMINISTRATIVE IMPLICATIONS

There would appear to be no fiscal impact on the Commission of Public Records; the Commission would not normally hold custody to local utility records. Commission of Public Records adds that local government records retention and disposition schedules issued by the Commission are advisory and must be adopted by the local governing body to be binding. However, as a point of information, the utility records in those schedules generally have short-term retentions. Municipal utility registers, which may contain customer names and addresses, under the municipal records retention and disposition schedule, have a three-year after close of the fiscal year retention on the end-of-the year register and until the audit report is released on the monthly register. County utility records, which could include the name and address of the customer, have either five-year retentions (on work orders) or, in the case of customer utility listings, until superseded.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 1027 could possibly relate to HB950 and SB829. Those bills amend the Public Records Act (rather than the Inspection of Public Records Act), changing provisions relating to public access of information held in databases.

OTHER SUBSTANTIVE ISSUES

It should be noted, offers the AGO, that the home addresses of public employees are currently considered public information under the IPRA if related to public business; this is an issue that has raised some privacy and identity theft concerns.

POSSIBLE QUESTIONS

What goal is this bill trying to achieve?

EO/csd