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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/06/07  
 SPONSOR Begaye LAST UPDATED 03/07/07 HB HM 62/aHBIC  
 SHORT TITLE Establish Legal Notice Web Site SB \_\_\_\_\_  
 ANALYST Hanika Ortiz

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$0.1 see narrative			Recurring	Various Funds

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of HBIC Amendment

The House Business & Industry Committee amendment removes language in the title that encourages the replacement of newspaper publications with electronic publications; and, clarifies that the web site will link state, county, municipal and other previously published legal notices and advertisements. The memorial further invites the participation of the New Mexico Press Association to the work group.

#### Synopsis of Original Bill

House Memorial 62 encourages the establishment of a state-authorized web site for publication of legal notices and legal advertisements as an alternative to newspaper publication of such notices and advertisements.

The memorial provides the following comments:

- Legal notices are published in a wide range of publications for various jurisdictions throughout the state.
- Legal notices are published by state agencies, counties, municipalities, villages and other entities.
- Almost all New Mexicans now have access to the internet through local libraries and schools, if not in their homes.
- A central on-line repository or web site of legal notices and legal advertisements would be readily accessible to people throughout the state.
- A state-sponsored web site could be made available without charge.

The memorial further provides that a work group as defined in the bill report its findings and recommendations to the information technology oversight committee during the 2007 interim.

### **FISCAL IMPLICATIONS**

The memorial requests a work group be assembled from among state and local agencies that publish legal notices to study means of implementing a workable, user- friendly, state-sponsored web site that links or integrates previously published state, county, municipal and other legal notices and legal advertisements. Costs to state and local governments will be determined by how often the work group meets; and, the costs to implement any recommendations made by the group.

A central on-line repository or web site of legal notices could pose a significant cost savings to department budgets. Changes in economic conditions within the newspaper industry, the general economy and inflation continue to increase the States' costs in the publishing of notices and advertisements.

### **SIGNIFICANT ISSUES**

The memorial makes a declaration that “almost all New Mexicans” have access to the internet through their homes, local libraries and schools. Various sources reporting on internet use in older Americans show that only a third of seniors age 65 and older have ever gone online.

Nationally, research shows that older Americans are in danger of being cut off from one of the most provocative communication mediums of the 21<sup>st</sup> century. In the United States, elderly adults make up 13% of the population with only 4% using the Internet. Overall, 56% of America is online and out of that percentage, only 15% age 65 and over have direct access to the Internet. (Robert J. Campbell, James Wabby: The Elderly and the Internet: A Case Study. *The Internet Journal of Health*. 2003. Volume 3 Number 1.)

### **PERFORMANCE IMPLICATIONS**

The memorial requests the chief information officer convene a work group and include among representatives of the New Mexico municipal league, the New Mexico association of counties and other political entities, as well as at least one representative each from a state agency, a county agency and a municipal agency.

### **ADMINISTRATIVE IMPLICATIONS**

The memorial will require participation of state, county and municipal agencies state-wide; and, these entities may need to prioritize and redirect staff for participation in the work group

### **OTHER SUBSTANTIVE ISSUES**

The memorial relates to various state statutes; for instance, Section 14-11-10.2 NMSA 1978 regarding the electronic posting of legal notices. “Legal notices and advertisements of a state agency shall be posted on the state agency's web site. If a county, municipality, board of education or other political subdivision of the state has a web site, it shall post its legal notices and advertisements on its web site. **Electronic posting is not a substitute for required**

**publication of legal notices and advertisements**, and failure to electronically post shall not constitute grounds to challenge, void, set aside or otherwise delay a proceeding properly noticed and advertised pursuant to nonelectronic notice requirements.”

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Legal notices will continue to be published in various publications dependent upon the Department’s need and according to current law.

AHO/nt