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## FISCAL IMPACT REPORT

SPONSOR Trujillo LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 3/10/2025  
SHORT TITLE Redaction of Personal Info in Public BILL \_\_\_\_\_  
Records NUMBER Senate Bill 171  
ANALYST Gaussoin

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

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		No fiscal impact	No fiscal impact			

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Relates to House Bills 139, 283, 429, and Senate Bills 36 and 57.

### Sources of Information

LFC Files

#### Agency Analysis Received From

Attorney General (NMAG)

State Commission of Public Records (SCPR)

#### Agency Analysis was Solicited but Not Received From

New Mexico Counties

## SUMMARY

### Synopsis of Senate Bill 171

Senate Bill 171 (SB171) amends existing law that provides most documents filed with the county clerk are public (14-8-9.1 NMSA 1978) to allow for certain personal information to be redacted if the document is requested by a third party. Specifically, the county clerk could redact the month and day of the date of birth and all but the four last digits of a social security number or driver's license number.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## FISCAL IMPLICATIONS

Although the task of redacting documents would add to a county clerk's workload, it is likely to be minimal and unlikely to result in additional costs for the office.

## **SIGNIFICANT ISSUES**

The Attorney General’s office (NMAG) states adding redaction provisions to the section of law on county clerk records puts it in conflict with the Inspection of Public Records Act. IPRA, in its requirements that personal identifier information be redacted, requires the redaction of the items in SB171 along with taxpayer, bank account and credit card numbers and other financial and, for nonelected public body employees, the employee’s home address. From NMAG:

Such a difference in what should be redacted in both statutes appears to create conflict in statute. To the extent possible, statutes should be harmonized and not read as creating a conflict. Furthermore, if there is a conflict between two statutory provisions—one of them a general statement and the other a specific statement—the court will apply the more specific statement as an exception to the general statement. The proposed language in SB171 and IPRA appear to be in conflict and both very specific. As such it would likely be the more specific statute (IPRA) would apply. If a court were to determine this, the changes proposed in SB171 would likely be moot.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

This bill relates to House Bill 139, which would repeal the existing IPRA and replace it with a new act with greater curtailments on information requests, and House Bill 429, which would make the names of finalists for college president and other chief officer positions more public. It also relates to House Bill 283, which would amend IPRA to restrict the use of law enforcement records.

It also relates to Senate Bills 36, which would restrict the disclosure of sensitive personal information, including disability, sexual orientation, immigration status or status as a recipient of public assistance or as a crime victim and 57, which would create protections in IPRA for certain medical providers

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