

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 and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/11/19

SPONSOR Sapient LAST UPDATED _____ HB _____

SHORT TITLE Fee for Electronic Public Records SB 442

ANALYST Chabot

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
	Indeterminate but small	Indeterminate but small	Recurring	General Fund

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Transportation (NMDOT)

SUMMARY

Synopsis of Bill

Senate Bill 442 allows record custodians to charge reasonable fees not in excess of one dollar per page for electronic documents.

FISCAL IMPLICATIONS

Any revenue is estimated to be small.

SIGNIFICANT ISSUES

Section 14-2-9 NMSA 1978 allows records custodians to charge reasonable fees for copying public records not to exceed one dollar per page. This bill extends this fee to electronic copies.

NMDOT states the bill will allow for the recovery of certain costs associated providing documents to the public. The agency currently charges \$.25 per page for documents that are 11 X 17 inches or smaller and \$1.00 per page for documents larger than that. However, these charges do not cover the costs to the department to respond to IPRA requests. NMDOT states there are three costs in preparing documents for IRPA requests: 1. Salaries of responding

personnel; 2. Use of NMDOT data bases to access records; and 3. Time attributed to collecting and evaluating response records. However, these are not tracked in preparing responses NMDOT responded to 271 IPRA requests in 2017 and 422 in 2018. Almost all the time requesters ask for an electronic response to avoid the fee for print document

ADMINISTRATIVE IMPLICATIONS

If this bill is enacted, NMDOT suggests it may help eliminate “frivolous requests.” It also suggests that a formula could be developed to determine actual costs to processing these information requests.

RELATIONSHIP

Relates to SB232.

GAC/al