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## FISCAL IMPACT REPORT

**SPONSOR** Padilla **ORIGINAL DATE** 03/11/21  
**LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_  
**SHORT TITLE** IPRA Fees for Electronic Documents **SB** 388  
**ANALYST** Becerra

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

	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	Insignificant - See Fiscal Implications					

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Commission of Public Records (CPR)

Office of the Attorney General (NMAG)

### SUMMARY

#### Synopsis of Bill

Senate Bill 388 (SB388) amends the Inspection of Public Records Act, NMSA 1978, Section 14-2-9 (IPRA), to lower the maximum fee for printed copies of public records from one dollar per page to ten cents per page (document size up to 11 by 17 inches). Additionally, the bill proposes a new cap of \$10 for the “actual costs” that can be charged for downloading electronic records to a CD or other computer storage device. The legislation would explicitly exclude personnel costs and overhead costs from the permissible charges for providing electronic records.

The effective date of this bill is July 1, 2021.

## **FISCAL IMPLICATIONS**

This bill does not contain an appropriation and no significant fiscal impact is foreseen.

Administrative Office of the Courts (AOC) notes that the bill may have a minimal fiscal impact on courts from reduced copying fee collections. Specifically, the analysis notes that the Bernalillo Metropolitan Court, which has the largest caseload in the state, would see an IPRA-specific fee collection reduction from approximately \$6,524 in FY20, following the copy rate of fifty cents per page as required under Section 35-6-1 NMSA 1978, to \$1,308 if the fee for IPRA copies was reduced to ten cents per page, as proposed by SB388. The analysis also notes that copying fees are deposited in the court facilities fund in accordance with Section 35-6-1 NMSA 1978, and are then transferred to the New Mexico Finance Authority for payment of the debt service on the Metropolitan Court's courthouse complex revenue bonds.

## **SIGNIFICANT ISSUES**

The exclusion of labor or overhead cost into an "actual cost" calculation leaves unclear what constitutes as an "actual cost," as used in the bill.

## **RELATIONSHIP**

Relates to SB87, No Retaliation for IPRA

Relates to SB227, Inspection of Police Misconduct Investigation

## **TECHNICAL ISSUES**

AOC notes that SB388 does not define "overhead costs," creating uncertainty over what constitutes the "actual cost" that can be charged for providing a copy of a public record.

The Commission of Public Records notes that the prohibition of including "labor and overhead" in calculating actual costs to provide copy is vague, ambiguous, and duplicative. Labor costs are typically included as an "overhead" cost and it is unclear what other costs are considered by using the term "overhead."

MB/rl