

LFC Requester:

Hernandez

**AGENCY BILL ANALYSIS  
2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**Analysis.nmlegis.gov**

*{Analysis must be uploaded as a PDF}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**    ☐    **Amendment**    ☒   
**Correction**    ☐    **Substitute**    ☐

**Date** 3/3/2025

**Bill No:** HB 203

<b>Sponsor:</b> Dixon	<b>Agency Name and Code Number:</b> Commission of Public Records 36900
<b>Short Title:</b> Use of State Devices for CYFD Business	<b>Person Writing:</b> Matthew Ortiz
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	n/a	
0	0		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	n/a	

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI	n/a	

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Inspection of Public Records Act, Section 14-2-1 et seq., NMSA 1978 (“IPRA”).

Public Records Act, Section 14-3-1 et seq., NMSA 1978 (“Public Records Act”).

HB 139, Cates, IPRA Changes

SB 036, A. Sedillo-Lopez, Sensitive Personal Information Non-Disclosure

SB 171, L. Trujillo, Redaction of Personal Info in Public Records

HB 497, Brown, Inspection of Public Records Act Changes

Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

HB 203 (the “bill”) adds a new section that requires Children, Youth & Families Department (“CYFD”) employees to only use department-issued electronic devices. The issued devices must have applications and software be compliant with federal, state, local, territorial and tribal data retention protection laws. CYFD must have a backup system, approved by DOIT, that performs an hourly backup of all electronic documents. There is a retention period requirement on CYFD to retain all terminated employees’ electronic records stored on electronic devices for a period of 24 years after an employee’s termination.

Amendments to the bill eliminate requirements to comply with local, territorial, and tribal jurisdictions. Also, the 24 year retention period was changed to seven years. Lastly, the amendments require CYFD to conduct daily, monthly and annual backups of retained electronic records.

#### **FISCAL IMPLICATIONS**

NFI on SRCA.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

The seven year retention period (just like the original, 24 year period) contained in Subsection D conflicts with the current records retention period established by rule under the Public Records Act, Sections 14-3-1 et seq. NMSA 1978. CYFD has many classifications of records that are either much less than employee’s employment duration plus twenty-four years or are permanent. A couple of examples of permanent classifications are 1.21.2.626 NMAC, Adoption case files;

and 1.21.2.802 NMAC, Foster Care case files.

Removing the other jurisdictions from compliance of CYFD devices brings this requirement closer to CYFD's pre-existing obligations under the Public Records Act requirements, Sections 14-3-1 et seq. NMSA 1978.

By removing the cross-reference to IPRA, the amendment will allow for more information than what is considered protected information under IPRA (see, Subsection F of Section 14-2-6 NMSA 1978).

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

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

See, Significant Issues above.

## **TECHNICAL ISSUES**

See, Significant Issues above.

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

## **AMENDMENTS**