

**TITLE 1            GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 16       LEGISLATIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (LRRDS)**  
**PART 112          LRRDS, LEGISLATIVE FINANCE COMMITTEE**

**1.16.112.1        ISSUING AGENCY:** [New Mexico Commission of Public Records] – State Records Center and Archives  
[5/19/97; 1.16.112.1 NMAC - Rn, 1 NMAC 3.2.91.1, 9/28/2001]

**1.16.112.2        SCOPE:** all state agencies - legislative  
[5/19/97; 1.16.112.2 NMAC - Rn, 1 NMAC 3.2.91.2, 9/28/2001]

**1.16.112.3        STATUTORY AUTHORITY:** Section 14-3-6 NMSA 1978. Administrator: duties. The administrator shall establish a record management program for the application of efficient and economical management methods of the creation, utilization, maintenance, retention, preservation and disposal of official records. The administrator shall establish records disposal schedules for the orderly retirement of records and adopt regulations necessary for the carrying out of the Public Records Act. Records disposal schedules shall be filed with the librarian of the supreme court library, and shall not become effective until thirty days after the filing date.  
[5/19/97; 1.16.112.3 NMAC - Rn, 1 NMAC 3.2.91.3, 9/28/2001]

**1.16.112.4        DURATION:** permanent  
[5/19/97; 1.16.112.4 NMAC - Rn, 1 NMAC 3.2.91.4, 9/28/2001]

**1.16.112.5        EFFECTIVE DATE:** January 1, 1999 unless a later date is specified at the end of a section.  
[5/19/97; 1.16.112.5 NMAC - Rn, 1 NMAC 3.2.91.5, 9/28/2001]

**1.16.112.6        OBJECTIVE:**

**A.** To establish a records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of official records (14-3-6 NMSA 1978).

**B.** To establish records disposal schedules for the orderly retirement of records and adopt regulations necessary for the carrying out of the Public Records Act (14-3-6 NMSA 1978).  
[5/19/97; 1.16.112.6 NMAC - Rn, 1 NMAC 3.2.91.6, 9/28/2001]

**1.16.112.7        DEFINITIONS:**

**A.** "**administrator**" means the state records administrator. (Section 14-3-2, NMSA 1978)

**B.** "**agency**" means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico. (Section 14-3-2, NMSA 1978)

**C.** "**audit**" means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.

**D.** "**commission**" means the state commission of public records. (Section 14-3-2, NMSA 1978)

**E.** "**pending litigation**" means a proceeding in a court of law whose activity is in progress but not yet completed.

**F.** "**record destruction**" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

**G.** "**records management**" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

**H.** "**records retention period**" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

**I.** "**records retention schedule**" means a document prepared as part of a records retention program that lists the period of time for retaining records.

**J.** "**public records**" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of

the government, or because of the informational and historical value of data contained therein. (Section 14-4-2, NMSA 1978)

**K. "non-records"** library or museum material of the state library, state institutions and state museums, extra copies of documents reserved only for convenience of reference and stocks of publications and processed documents are non-records. (Section 14-3-2C NMSA 1978). The following specific types of materials are non-records: extra copies of correspondence; documents preserved only for convenience of reference; blank forms/books which are outdated; materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer/agency; preliminary and non-final drafts of letters; reports and memoranda which may contain or reflect the working or deliberative process by which a final decision or position of the agency, board, department or subdivision thereof is reached: shorthand notes, steno tapes, mechanical recordings which have been transcribed, except where noted on agency retention schedules; routing and other interdepartmental forms which are not significant evidence of the activity concerned and do not otherwise have value as described above; stocks of publications already sent to archives and processed documents preserved for supply purposes only; form and guide letters, sample letters, form paragraphs; subject files, including copies of correspondence, memoranda, publications, reports and other information received by agency and filed by subject (also referred to as reading files or information files). See the general administrative record retention and disposition schedule, item number 1.15.2.101 NMAC and 1.15.2.102 NMAC for subject files.

[5/19/97; 1.16.112.7 NMAC - Rn, 1 NMAC 3.2.91.7, 9/28/2001]

#### **1.16.112.8 INSTRUCTIONS:**

**A.** For records of a general administrative nature, refer to the Records Retention and Disposition Schedule for the General Administrative Records, 1.15.2.NMAC.

**B.** For records of a financial nature, refer to the Records Retention and Disposition Schedule for General Financial Records, 1.15.4 NMAC.

**C.** For records of a personnel nature, refer to the Records Retention and Disposition Schedule for the General Personnel Records, 1.15.6 NMAC.

**D.** For records of medical nature, refer to the Records Retention and Disposition Schedule for the General Medical Records, 1.15.8 NMAC.

**E.** Retention periods shall be extended until six months after all current or pending litigation, current claims, audit exceptions or court orders involving a record have been resolved or concluded.

**F.** The descriptions of files are intended to be evocative, not complete; for example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

**G.** Confidentiality is denoted as "-C-". Not all materials in a file may be confidential. Refer to NOTE. Where portions of file may be confidential, refer to legal counsel for agency.

**H.** Access to confidential documents and/or confidential files shall be only by authorization of agency or Attorney General and/or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

**I.** All records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. (Section 14-1-5, 14-1-6 NMSA 1978)

**J.** Data processing and other machine readable records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media. In these cases, the information on the data processing medium should be retained for the length of time specified in records retention & disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said record shall be electronically overwritten on machine readable media on which it is stored (or media destroyed). See also 1.13.70 NMAC: performance guidelines for the legal acceptance of public records produced by information technology systems.

[5/19/97; 1.16.112.8 NMAC - Rn, 1 NMAC 3.93.8, 9/28/2001]

#### **1.16.112.9-100 [RESERVED]**

#### **1.16.112.101 AGENCY BUDGET FILES:**

**A. Program:** legislative finance committee

- B. Maintenance:** numerical by agency code
- C. Description:** records concerning budget and appropriation requests from state agencies, departments, and institutions. Files may include budget requests, appropriation requests, analyst work papers, etc.
- D. Retention:** three years after close of fiscal year in which created  
[12-29-71, 4-18-75, 9-30-82, 1-10-97, 1-1-99; 1.16.112.101 NMAC - Rn, 1 NMAC 3.2.91.112.101, 9/28/2001]

**1.16.112.102 LFC STUDY FILES:**

- A. Program:** legislative finance committee
- B. Maintenance:** numerical by LFC code
- C. Description:** records concerning studies requested by legislators regarding the operation and management of selected state agencies, departments, and institutions. Files may include the request, work papers, bill drafts, final report of study, etc.
- D. Retention:** permanent, after 25 years, transfer to archives. Archives shall maintain records as a restricted collection.
- E. Confidentiality:** portions of records contained in these files may be confidential under 2-3-13, NMSA 1978.  
[12-29-71, 4-18-75, 9-30-82, 1-10-97, 1-1-99; 1.16.112.102 NMAC - Rn, 1 NMAC 3.2.91.112.102, 9/28/2001]

**1.16.112.103 BUDGET ANALYSES OF STATE AGENCIES (LFC BUDGET DOCUMENT):**

- A. Program:** legislative finance committee
- B. Maintenance:** chronological by year, and numerical by agency code
- C. Description:** document concerning budget recommendations. Document may include detailed worksheets, analyses for general fund appropriations, case statement summaries, Senate and House committee reports, etc.
- D. Retention:** permanent  
[12-29-71, 4-18-75, 9-30-82, 1-10-97, 1-1-99; 1.16.112.103 NMAC - Rn, 1 NMAC 3.2.91.112.103, 9/28/2001]  
[Published document transferred to archives annually as per 1 NMAC 3.4.10.3]

**1.16.112.104 FISCAL IMPACT REPORT FILES:**

- A. Program:** legislative finance committee
- B. Maintenance:** numerical by bill number
- C. Description:** records concerning analyses of all introduced legislation with emphasis on fiscal impact. Files may include analyses, summaries of introduced legislation, correspondence, memoranda, etc.
- D. Retention:** permanent, after 25 years, transfer to archives. Archives shall maintain records as a restricted collection.  
[12-29-71, 4-18-75, 9-30-82, 1-10-97, 1-1-99; 1.16.112.104 NMAC - Rn, 1 NMAC 3.2.91.112.104, 9/28/2001]

**1.16.112.105 LEGISLATIVE REQUESTS LFC CODE LOG:**

- A. Program:** legislative finance committee
- B. Maintenance:** numerical by LFC code
- C. Description:** records concerning requests from individual legislators or legislative committees. Files may include request, LFC code number assigned, name of legislator or legislative committee, date of request, name of LFC analyst request assigned to, description of request, analyses, studies, reports, correspondence, memoranda, etc.
- D. Retention:** 12 years after close of fiscal year in which created
- E. Confidentiality:** portions of records contained in these files may be confidential under 2-3-13, NMSA 1978.  
[12-29-71, 4-18-75, 9-30-82, 1-10-97, 1-1-99; 1.16.112.105 NMAC - Rn, 1 NMAC 3.2.91.112.105, 9/28/2001]

**1.16.112.106 LFC HEARING TAPES:**

- A. Program:** legislative finance committee
- B. Maintenance:** chronological by hearing date
- C. Description:** records concerning complete recordings of all LFC hearings and meetings. Tapes are transcribed and may include testimonials, LFC recommendations, legislative recommendations, etc.
- D. Retention:** eight years after close of fiscal year in which created  
[12-29-71, 4-18-75, 9-30-82, 1-10-97, 1-1-99; 1.16.112.106 NMAC - Rn, 1 NMAC 3.2.91.112.106, 9/28/2001]

[For retention of minutes of meetings, refer to 1.15.2.119 NMAC, as per Open Meetings Act, 10-15-1, NMSA 1978]

**1.16.112.107 PERFORMANCE AUDIT FILES:**

- A. Program:** legislative finance committee
- B. Maintenance:** alphabetical by agency, department, and institution name
- C. Description:** records concerning performance audits conducted by LFC analysts on a routine basis, or by legislative request. Files may include audit report, books of records, studies, policies, procedures, recommendations, correspondence, memoranda, etc.
- D. Retention:** permanent, after 25 years, transfer to archives.

[12-29-71, 4-18-75, 9-30-82; R 1-1-99; 1-1-99; 1.16.112.107 NMAC - Rn, 1 NMAC 3.2.91.112.107, 9/28/2001]

**1.16.112.108 LEGISLATIVE FINANCIAL INFORMATION SYSTEM (LFIS):**

- A. Program:** legislative finance committee
- B. Maintenance:** none
- C. Description:** system tracks appropriation requests during legislature, and is information source for legislative appropriations. Database contains legislation introduced with appropriations.
- D. Retention:** 5 years after calendar year in which created

[12-29-71, 4-18-75, 9-30-82; R 1-1-99; 1-1-99; 1.16.112.108 NMAC - Rn, 1 NMAC 3.2.91.112.108, 9/28/2001]

[For retention on system, software and documentation, refer to 1.15.2.301 NMAC]

**1.16.112.109 INTRODUCED LEGISLATION:**

- A. Program:** legislative finance committee
- B. Maintenance:** none
- C. Description:** LFIS hard copy input documents. Bill shows title of legislation, name of sponsor, recurring or non-recurring expenditure, amendments, vetoed bills, etc.
- D. Retention:** 90 days after session ends

[1-1-99; 1.16.112.109 NMAC - Rn, 1 NMAC 3.2.91.112.109.1, 9/28/2001]

**1.16.112.110 AD HOC REPORTS:**

- A. Program:** legislative finance committee
- B. Maintenance:** none
- C. Description:** LFIS hard copy output documents. Reports regarding legislation introduced with appropriations. Reports may show agency name, identification of funds, recurring or non-recurring, title of legislation, name of sponsor, etc.
- D. Retention:** Until distributed

[1-1-99; 1.16.112.110 NMAC - Rn, 1 NMAC 3.2.91.112.110.1 9/28/2001]

**1.16.112.111 BUDGET REVIEW SYSTEM (BRS):**

- A. Program:** legislative finance committee
- B. Maintenance:** none
- C. Description:** system tracks agency budget requests and LFC recommendations. Databases may contain expenditure history, budget request and recommendation, personnel data history, etc.
- D. Retention:** 10 years after calendar year in which created

[1-1-99; 1.16.112.111 NMAC - Rn, 1 NMAC 3.2.91.112.111, 9/28/2001]

[For retention on system, software and documentation, refer to 1.15.2.301 NMAC]

**1.16.112.112 APPROPRIATION DISTRIBUTION FORM:**

- A. Program:** legislative finance committee
- B. Maintenance:** none
- C. Description:** budget review system (BRS) hard copy input documents. Form shows agency code, entry code, agency and division, language, general fund, other state funds, internal service funds and interagency transfer, federal funds, total, budget categories, authorized FTE, analyst, date, time, etc.
- D. Retention:** 90 days after session ends

[1-1-99; 1.16.112.112 NMAC - Rn, 1 NMAC 3.2.91.112.112.1, 9/28/2001]

**1.16.112.113 AD HOC REPORTS:**

- A. **Program:** legislative finance committee
  - B. **Maintenance:** none
  - C. **Description:** budget review system (BRS) hard copy output documents. Budget reports for selected state agency, department, and institutions requested by legislators and legislative committees.
  - D. **Retention:** until distributed
- [1-1-99; 1.16.112.113 NMAC - Rn, 1 NMAC 3.2.91.112.113.1, 9/28/2001]

**1.16.112.114 LFC BUDGET DOCUMENT:**

- A. **Program:** legislative finance committee
  - B. **Maintenance:** none
  - C. **Description:** budget review system (BRS) hard copy output documents. Budget analyses of state agencies
  - D. **Retention:** [(LFC budget document), 1.16.112.104 NMAC]
- [1-1-99; 1.16.112.114 NMAC - Rn, 1 NMAC 3.2.91.112.113.2, 9/28/2001]

**1.16.112.115 HB2 SYSTEM:**

- A. **Program:** legislative finance committee
  - B. **Maintenance:**
  - C. **Description:** system used to create House Bill 2, track budget recommendations, and maintain history of approved budgets. Databases may contain expenditure, revenue, personnel data, etc.
  - D. **Retention:** 10 years after calendar year in which created
- [1-1-99; 1.16.112.115 NMAC - Rn, 1 NMAC 3.2.91.112.114, 9/28/2001]  
[For retention on system, software and documentation, refer to 1.15.2.301 NMAC]

**1.16.112.116 BUDGET REQUEST SYSTEM (BRS) DATA AND REPORT:**

- A. **Program:** legislative finance committee
  - B. **Maintenance:** none
  - C. **Description:** HB2 system hardcopy input documents. Report shows agency, agency code, division, personnel data, increase (decrease) to appropriations, new appropriation items, appropriation increase or decrease request by budget category, general fund, other state funds, internal service and inter-agency transfer, federal funds, additional explanation, etc.
  - D. **Retention:** 90 days after session ends
- [1-1-99; 1.16.112.116 NMAC - Rn, 1 NMAC 3.2.91.112.115.1, 9/28/2001]

**1.16.112.117 SENATE FINANCE COMMITTEE (SFC) AMENDMENT FORM:**

- A. **Program:** legislative finance committee
  - B. **Maintenance:** none
  - C. **Description:** HB2 system hardcopy input documents. Form shows proposed amendment to House Appropriation Finance Committee Study and House Bill 2 (HAFCS/HB 2) et al, agency, division, code, sponsor, program, total appropriation increase (decrease), general fund, other state funds, internal service funds, federal funds, recurring, nonrecurring, FTE authorized positions added (deleted), explanation, language, sponsors, signature, etc.
  - D. **Retention:** 90 days after session ends
- [1-1-99; 1.16.112.117 NMAC - Rn, 1 NMAC 3.2.91.112.115.2, 9/28/2001]

**1.16.112.118 HOUSE BILL 2:**

- A. **Program:** legislative finance committee
  - B. **Maintenance:** none
  - C. **Description:** HB2 system hardcopy output documents. A document created with the intent of carrying out the provisions of the General Appropriations Act. It is created by the legislative finance committee, and printed by the legislative council service. It is presented to the legislature each year for the purpose of funding state agencies, departments, and institutions in their day-to-day operations. The document may contain appropriation requests, program changes, recommendations, etc.
  - D. **Retention:** until entered into 1.16.112.107 NMAC.
- [1-1-99; 1.16.112.118 NMAC - Rn, 1 NMAC 3.2.91.112.116.1, 9/28/2001]  
[This item is input to legislative information system (LIS) 1 16.111.107.]

**1.16.112.119 AD HOC REPORTS:**

**A. Program:** legislative finance committee

**B. Maintenance:** none

**C. Description:** verification and summary reports of House Bill 2, requested by legislators and legislative committees, general fund tracking sheets, other funds tracking sheets, session documentation, session correspondence, etc.

**D. Retention:** until distributed

[1-1-99; 1.16.112.119 NMAC - Rn, 1 NMAC 3.2.91.112.116.2, 9/28/2001]

**History of 1.16.112 NMAC:**

Pre-NMAC History:

SRC Rule 71-16, Records Retention and Disposal Schedule for Legislative Finance Committee, 11-29-71.

SRC Rule 75-8, Records Retention and Disposal Schedule for Legislative Finance Committee, 3-18-75.

SRC Rule No. 82-15, Records Retention and Disposition Schedule for Legislative Finance Committee, 8-31-82.

**HISTORY OF REPEALED MATERIAL:** [RESERVED]