

**MINUTES OF THE  
STATE COMMISSION OF PUBLIC RECORDS  
REGULAR MEETING  
November 27, 2012**

The State Commission of Public Records convened at 9:32 a.m. on Tuesday, November 27, 2012 at 1209 Camino Carlos Rey, Santa Fe, New Mexico 87507.

**Members Present**

Stanley Hordes, Ph.D.	Chair, Historian
Edwynn Burckle	Cabinet Secretary, General Services Department
Christina Espinoza	Representative for Honorable Dianna J. Duran, Secretary of State
Robert Mead, J.D.	State Law Librarian
Zachary Shandler	Representative for Honorable Gary King, Attorney General
Antonio Corrales	Representative for Honorable Hector Balderas, State Auditor

**Members Absent**

Tania Maestas	Assistant Attorney General
Frances Levine, Ph.D.	Director, Museum of New Mexico

**Staff Present**

John Hyrum Martinez, C.A.	State Records Administrator
Linda M. Trujillo, Esq.	Deputy State Records Administrator
Ruben Rivera	Fiscal Officer
Pete Chacon	Information Technology, Chief Information Officer
Jackie Garcia	Agency Analysis, Bureau Chief, RMD
Rick Hendricks, Ph.D.	State Historian
Melissa Salazar, C.A.	Director, Archives and Historical Services Division
Leo Lucero	Director, Records Management Division, RMD
Amanda Lopez	Management Analyst, RMD
Art Bransford	Director, Administrative Law Division

**I. CALL TO ORDER**

The Chair called the meeting to order at 9:32 a.m.

**II. APPROVAL OF AGENDA**

The chair entertained a **MOTION** to approve the agenda. Mr. Robert Mead so **MOVED** and Mr. Zachary Shandler **SECONDED** the motion. The motion **PASSED** unanimously.

**III. APPROVAL OF MINUTES – August 21, 2012**

The Chair entertained a **MOTION** to approve the minutes of the August 21, 2012 meeting. Mr. Mead so **MOVED** and Mr. Antonio Corrales **SECONDED** the motion. The Chair asked if there were any additions, corrections or further discussion; hearing none, the Chair called for a vote. The motion **PASSED** unanimously.

#### IV. ACTION ITEMS

##### A. Records Retention and Disposition Schedules

##### 1.15.6 NMAC, General Records Retention and Disposition (GRRDS) General Personnel Records

Mr. John Martinez stated that the first scheduled item for consideration was an amendment to *1.15.6 NMAC*, which would be presented by Ms. Jackie Garcia. Ms. Garcia informed the Commission that the amendments to the existing General Records Retention and Disposition schedule were to sections: *1.15.6.3 NMAC, Statutory Authority*; *1.15.6.6 NMAC, Objective*; *1.15.6.7 NMAC Definitions*; *1.15.6.8 NMAC, Instructions*; *1.15.6.191 NMAC, Employee Eligibility verification, (Form I-9)*; *1.15.6.191 NMAC, Employee eligibility Verification, (Form I-9)*. Adding sections; *1.15.6.9 NMAC, Instructions*; *1.15.6.193 NMAC, Personnel Records Legal and Physical Custody Transfer Form*. These changes were made to conform to current standards and format styles. The Chair asked if she would summarize the changes. Ms. Garcia stated that the amendment to *1.15.6.191 NMAC, Employee Verification, (Form I-9)* was necessary because this section had not been amended in many years. The amendment explains in more detail the purpose of forms and files. The retention remains the same as Federal requirements. Also, a new section *1.15.6.193 NMAC, Personnel records Legal and Physical custody Transfer Form* describes a new form that tracks the transfer of personnel records from the creating agencies to the State Personnel Office. This form provides the SRCA a record of the transfer of legal and physical custody of agency records.

The Chair entertained a **MOTION** for approval of the amendments. Mr. Mead so **MOVED** and Mr. Shandler **SECONDED** the motion. The Chair asked if there was any discussion; Mr. Robert Mead stated that the Judiciary does not transfer its files to the State Record Center and asked if this form would apply to them. Ms. Garcia replied that this was the General Personnel Schedule for State agencies. There is also the General Interpretive schedule that will be reviewed next on the agenda. She said that this rule does not apply because the Judiciary does not hire through State Personnel, so the records remain in the custody of the Judiciary agency. Ms. Garcia further explained that local government and the Judiciary do not hire through the State Personnel Office; therefore, those entities keep their own records for a retention period of 55 years. The Chair asked if they had their own retention schedules. Ms. Garcia said, yes. The Chair called for a vote to approve the amendment. The motion **PASSED** unanimously.

##### 1.15.7 NMAC, (GRRDS) General Personnel Records (INTERPRETIVE)

Mr. Martinez stated that the next item for consideration was an amendment to *1.15.7 NMAC*, which would be presented by Ms. Jackie Garcia. Ms. Garcia informed the Commission that the amendments to the existing General Records Retention and Disposition schedule were to sections: *1.15.7.3 NMAC, Statutory Authority*; *1.15.7.6 NMAC, Objective*; *1.15.7.7 NMAC, Definitions*; *1.15.7.8 NMAC, Instructions*; New Record Series being added: *1.15.7.9 NMAC, Instructions*. Ms. Garcia stated that these sections were amended to comply with current standards and format styles. It also amends section *1.15.7.120 NMAC, State Government Intern Position Request*, which covers an update of the Employee Verification Form I-9 files.

The Chair entertained a **MOTION** for approval of the amendments. Mr. Mead so **MOVED** and Mr. Shandler **SECONDED** the motion. The Chair asked if there was any further discussion; hearing none, the Chair called for a vote. The motion **PASSED** unanimously.

### **1.18.305 NMAC, Executive Records Retention and Disposition Schedule (ERRDS), Office of the Attorney General**

Mr. Martinez stated that the next proposed amendment was to the 1.18.305 the (ERRDS, Office of the Attorney General. Ms. Garcia informed the commission that the amendments to the existing Executive Records Retention and Disposition Schedule were to sections: *1.18.305.3 NMAC, Statutory Authority; 1.18.305.7 NMAC, Definitions; 1.18.305.8 NMAC, 1.18.305.9 NMAC, Instructions* to conform to the standards of existing schedules. The Office of the Attorney General requested that an amendment be made to section *1.18.305 NMAC, Appeal Case Files*, which would change the current retention from 10 years after case closed and transferred to the archives for review and final disposition to 25 years until case closed then transferred to the archives as a permanent record. The reason for this was that these were appeal case files and sometimes the appeal is denied but at a later date be reopened. The agency did not feel that the 10-year period was a sufficient time period for the files to be in storage before being transferred to the archives.

The Chair entertained a **MOTION** for approval of the amendments. Mr. Shandler so **MOVED** and Mr. Antonio Corrales **SECONDED** the motion. The Chair asked if there was any further discussion. The Chair asked Ms. Garcia and Ms. Melissa Salazar how the disposition is currently handled under the current 10-year period. Ms. Salazar replied that the archives did not pull many records of the Attorney General for patrons because of restrictions and confidentiality issues. She said that the 25 year change would be sufficient. The Chair then asked about the oldest records in this particular collection. Ms. Salazar said that some records date back to the territorial period. She also mentioned that the records of the Attorney General are the largest collection in the archives. The Chair asked Mr. Zachary Shandler if he had any questions on the amendments. He said, no. The Chair called for a vote. The motion **PASSED** unanimously.

### **1.18.420 NMAC, ERRDS, Regulation and Licensing Department**

Mr. Martinez stated that the next proposed amendment was to *1.18.420 NMAC, ERRDS, records Retention and Disposition Schedule, for regulation and Licensing Department*. This would be presented by Ms. Jackie Garcia. Ms Garcia informed the Commission that this was an amendment o, schedule *1.18.420 NMAC, Regulation and Licensing Department, ERRDS*.

The amendments included sections: *1.18.420.9 NMAC, Instructions; 1.18.420.771 NMAC, Massage Therapist Licensure; 1.18.420.778 NMAC, Massage Therapy License; 1.18.420.778 NMAC, Massage Therapy License*; The sections being repealed were; *1.18.420.773 NMAC, Applications for Licensure; 1.18.420.774 NMAC, Application For Temporary License; 1.18.420.775 NMAC, Statement of registration, Certification and Licensure In Another State, Form A; 1.18.420. 776 NMAC, Supervisor's Verification of Applicant's Work Experience and Supervision, Form B; 1.18.420.777 NMAC, School Verifications Other State, Form C*.

New Record Series being added; *1.18.420.1215 NMAC, Secondhand Metal Dealer's Registration Application Files; 1.18.420.16 NMAC, Secondhand Metal Dealer's Registration Database; 1.18.420.17 NMAC, Secondhand Metal Dealer's Purchase Record Files; 1.18.420.18 NMAC, Secondhand Metal Dealer's Purchase record Database (FTP)*.

The first sections are being streamlined to conform to the Board of Therapy. The files were consolidated with the change of the schedule. She said that the new records series were included to assist with metal dealer registrations.

The Chair entertained a **MOTION** for approval. Mr. Corrales so **MOVED** and Mr. Shandler **SECONDED** the motion. The Chair asked if there was any further discussion for this amendment; hearing none. The Chair asked for a vote to approve the amendments. The **MOTION** passed unanimously.

#### **1.18.521 NMAC, ERRDS, Energy, Minerals and Natural Resources Department**

Mr. Martinez informed the Commission the next item on the agenda was an amendment to *1.18.521 NMAC, ERRDS, Energy, Minerals and Natural Resources Department*. Ms. Jackie Garcia reported that proposed amendments were to *1.18.521.8 NMAC, Abbreviations and Acronyms*; *1.18.521.9 NMAC, Instructions*; which would bring these sections into conformance with current standards. The proposed amendment would add new sections *1.18.521.35 NMAC, Fire Billings and reimbursement Files*, and *1.18.521.41 NMAC, Energy Conservation Tax Incentive Certification Files*. The new sections cover current working files. The Chair entertained a **MOTION** for approval of the amendments. Mr. Robert Mead so **MOVED** and Mr. Corrales **SECONDED** the motion. The Chair asked if there was any further discussion; hearing none. The Chair asked for a vote to approve the amendment. The **MOTION** passed unanimously.

#### **1.18.705 NMAC, ERRDS, Department of Military Affairs**

Mr. Martinez stated that the next item for consideration was a proposed amendment to 1.18.705 NMAC, ERRDS, Department of Military Affairs. Ms. Garcia informed the Commission that the amendments were to sections: *1.18.705.3 NMAC, Statutory Authority*; *1.18.705.6 NMAC, Objective*; *1.18.705.7 NMAC, Definitions*; and *1.18.705.9 NMAC, 1.18.705.202 NMA.*, These changes bring the text into compliance with current standards. The proposed amendment would also make changes to section *1.18.705.202 NMAC, Official Military Personnel folder (OMPF) Files*. The retention period would be changed from 56 years after close of federal fiscal year in which action complete to 62 years from close of federal fiscal year in which member action completed or retirement, then transferred to the National Archives and Records Administration. The Chair entertained a **MOTION** for approval of the amendments. Mr. Corrales so **MOVED** and Mr. Mead **SECONDED** the motion.

The Chair asked if there was any further discussion. Mr. Mead asked why the retention period would be changed from 56 years to 62 years. Mr. John Martinez explained that the 62 year period is Federal law, which had been confirmed by the National Archives and Records Administration. He said that because the file may have service records from the National Guard the file may contain both federal files and state files. In discussion with the National Guard it was determined that these records should stay together and be sent to the National Archives and Records Administration for final disposition. The Chair asked if these would ultimately become permanent records in the National Archives. Mr. Martinez said that was correct. Ms. Garcia further explained that the files are considered permanent records according to the Department of Defense. The Chair asked if there was a statute that requires that they maintain them for the 62 years. Ms. Garcia replied, yes. The Chair asked if there was further discussion; hearing none. The Chair asked for a vote to approve the amendment. The **MOTION** passed unanimously.

### **B. Acceptance of Deed of Gifts**

#### **1. Danice Picraux Personal Papers**

Mr. Martinez stated that Ms. Melissa Salazar, Archives and Historical Division Director, would present the deed of gift. Ms. Salazar stated that Representative Danice Picraux wished to donate her papers to the New Mexico State Records Center and Archives. Her papers comprise approximately 47 linear feet of materials relating to her career as a New Mexico State Representative from District 25. First elected in 1991, Representative Picraux is one of the longest serving female state representatives, and her papers cover important and critical eras of New Mexico legislation.

While in office, Representative Picraux served in many leadership positions, serving four years as House Democratic Caucus Chair, two years as House Majority Whip (1999-2000), and two terms as House Majority Leader (2001-2004). She was the first woman to serve as Majority Leader since the 1940s. She also served on the House Appropriations and Finance Committee.

Representative Picraux received her BA in 1967 from New York University where she majored in Biology and minored in Political Science. She received her PhD from Claremont Graduate University in California in International Relations and government.

Her papers will add to our knowledge and history of women in New Mexico. The materials will complement other collections such as the Records of the Legislative Council Service, Records of the Legislature, Records of the Legislative Finance Committee, governors' records, the League of Women Voters of New Mexico, the Records of the New Mexico Commission on the Status of Women, the New Mexico Women's Forum Oral History Project Collection, Records of the American Association of University Women- Santa Fe Branch, the Records of the Alpha Delta Kappa Society, the Records of the Fifteen Club, the Maralyn Budke Papers and many more.

Ms. Salazar said that she would like to thank Dr. Rose Diaz and Susan Loubet who have worked with Representative Picraux and helped facilitate the donation.

The Chair entertained a **MOTION** to accept the deed of gift. Mr. Shandler so **MOVED** and Ms. Christina Espinoza **SECONDED** the motion. The Chair asked if there was any further discussion. Mr. Shandler asked how many letter documents were in the collection. Ms. Salazar stated that they did have a preliminary inventory which included legislative and human services, women's health and domestic violence. Also included were the documents on Capital outlay, Health care reform and a box related to early childhood documents. Mr. Shandler asked if Ms. Picraux was still involved in some of the projects. Ms. Salazar said no, she was not. The Chair also stated that she was retired at this time.

The Chair asked what the chronological scope of these papers was. Ms. Salazar replied that they were from 1991 to 2012. The Chair noted that the collection looked like a mixture of papers and asked Ms. Salazar if there was any paper work that would be questionable after 65 years. Ms. Salazar said that she would know more once the collection was processed. However, there was a group of notebooks of Ms. Picraux personal papers that would have to be reviewed. The Chair noticed on the deed of gift the donor requested the final review of any materials marked for discarding by her designee who will remove and obtain those documents that were related to ongoing work on the publication. She may retain or discard at her convenience. He asked for clarification from Ms. Salazar on that point.

Ms. Salazar explained that Ms. Susan Loubet was collaborating with Ms. Picraux on a book and that Ms. Picraux had designated Ms. Loubet to receive any materials discarded by the Archives. As the collection is processed usually only copies or duplicates are discarded by the Archives. Before any of these documents would be discarded, the Archives staff would call Ms. Loubet to see if she wants them. The Chair asked if any of the discarded documents that she doesn't want would these be returned to the collection. Ms. Salazar said the Archives would not keep them because they would be duplicates of materials already in the Archives. She said that it was her understanding that some materials had remained with Ms. Picraux as they continue to work on the project. And after completion of the book the records would be transferred to the Archives.

Mr. Robert Mead asked if there were any materials that were omitted because of sensitivity. Ms. Salazar replied that the materials were being reviewed and if any sensitive materials were found, the donor would be contacted. The Archives, under 14-4-11 NMSA 1978, also has the option to hold any document deemed sensitive. Ms. Salazar further explained that most donors restrict the materials they deem sensitive at the time the donation is made.

The Chair asked the attorneys serving on the Commission if a person writes a letter to a representative, does that letter become a public record. Mr. Zachary Shandler explained that if the letter is to an elected official generally it is deemed a public record. However, he said with the Legislature it was a little different. There is still a debate whether the Legislators have the same requirements as other elected officials. He said he had spoken with members of the Legislative Counsel Service (LCS) and those records are seen as personal papers being donated under the public records act. They would not be subject to the Inspection of Public Records Act and are not mandated to be sent to the State Archives under the Public Records Act. He said if documents are considered work product from being an elected official then those documents should managed and maintained in accordance with the Public Records Act. He said that it would be feasible to work with the LCS and both houses in the Legislature to clarify what is happening with public records. Mr. Robert Mead said that he agreed that the issue needed to be clarified.

The Chair called for a vote to accept the deed of gift. The motion **PASSED** unanimously.

## **V. NEW BUSINESS**

### **A. Election of Officers**

The Chair opened nominations for officers. Mr. Robert Mead nominated Stan Hordes for Chair, Mr. Shandler **SECONDED** the motion. The **MOTION** passed.

Mr. Mead nominated Dr. Frances Levine for vice chair, and Mr. Shandler **SECONDED** the motion. The **MOTION** passed.

Ms. Christina Espinoza nominated Mr. Robert Mead for Secretary. Mr. Antonio Corrales **SECONDED** the motion. The **MOTION** passed.

The Chair asked for any other nominations; hearing none. He called for a vote to approve the nominations. The **MOTION** passed unanimously, with no abstentions.

The Chair thanked Ms. Garcia and her staff for their hard work in acquiring all the schedules and asked her to introduce the new staff members in her division. She introduced Ms. Amanda Lopez and Mr. Pete Gurule who were the new analysts for the Records Management Division.

**B. Presentation of the Centralized Electronic Records Repository (CERR)**

Mr. Martinez stated that Mr. Pete Chacon the Information Technology Management (IT) Division Director would present on the efforts the agency staff have been working on for a number of years called the Centralized Electronic Records Repository (CERR). Mr. Chacon explained that the purpose of the CERR is to assist state agencies with the maintenance and storage their electronic records. He said it is similar to the process already in use for paper records. He explained that the project employs a phased approach. Phase One is a needs assessment that was completed in 2010; Phase Two is the current phase which consists of the design and implementation; and Phase Three is the close out stage of the project.

Mr. Chacon said that Phase One assessment started on Feb 28, 2008 with \$150,000 allocated to examine the needs related to electronic records. The assessment was completed in May of the same year. Some of the money for the project remained after the completion of the needs assessment so it was decided to spend the money on software to manage the records in the State Records Center. A product called HP Trim was selected. Mr. Chacon stated that the tracking module for the Records Centers was in place and is working and functioning properly.

The Phase Two budget of \$450,000 was received in Fiscal Year 2013 and continues through the end of Fiscal Year 2014. This phase will use additions to the HP Trim system to manage and maintain electronic records. Mr. Chacon explained that the CERR is now considered a Department of Information and Technology (DoIT) certified project which means a committee at DoIT oversees the project and controls the flow of money to the agency. For example, the State Records Center had to request that the Committee release \$75,000 of the \$450,000 to initiate the project.

Mr. Chacon explained that the \$75,000 will be spent on hiring a project manager who will assist with the project especially with the reports required by DoIT. The manager will also write a project plan that would move the project forward. Part of the plan will be selecting a pilot agency that will transfer electronic records into the system to test the project. Mr. Chacon stated that Mr. John Martinez had been in contact with a few agencies that may be interested in being the pilot agency.

Mr. Chacon explained that some of the money will be spent on additional software modules that will assist the project. For example one module had been purchased that converts saved email messages into PDF files. Some of the money will also be used for training staff on the system.

Secretary Burckle asked if the software would be a recurring expense and how many licenses would be requested for the project. Mr. Chacon replied that the software licenses would be a recurring expense. So far, the agency had purchased 30 licenses for the project and was considering purchasing an additional 50 licenses for agency use. Secretary Burckle asked what kind of criteria would be needed for the pilot agency. Mr. Martinez stated that the pilot agency should already have electronic records and have the ability to transfer those records. The Record Center has been in contact with a few agencies that met the criteria. Secretary Burckle said that

the General Services Department would assist in whatever the project needed. The Chair asked the Secretary if he knew if the system was compatible with what the project was using. He said he would check into it. Mr. Robert Mead also asked if maybe the courts could volunteer since they are doing a lot of digitizing of its records. Mr. Martinez advised both gentlemen that their particular divisions might be too large for a pilot program. Mr. Mead asked how large the modules that were being set up for the project were. Mr. Martinez stated that the base package was standard size however; we would have the capability to add any additional software that was needed. Mr. Chacon said that the modules are expandable so they may add space as needed within the scope of the project. Mr. Martinez said that they would be in contact with the state agencies that have similar systems. Mr. Mead asked what type of media attachments, email were going to be accepted or being considered, and what the time line was for the conversions of the records. Mr. Martinez said those were valid question but could not answer at the current time. The pilot agency would assist in answering those questions as the records were brought into the system. Mr. Chacon stated that the project was moving along as expected

## **VI. OLD BUSINESS**

### **A. Ancestry.Com Contract**

Mr. Martinez stated that the Deputy State Records Administrator, Ms. Linda Trujillo would give a brief review of the contract with Ancestry.com. Ms. Trujillo was happy to report that after the last meeting when the two entities had reached an impasse, Ancestry had acquired new Counsel and the agreement had been approved. The SRCA received approval from Ms. Tania Maestas of the State Attorney General's Office who has been assisting with this process.

Ms. Trujillo explained that Ancestry will be coming to the Archives to digitize and index certain records. She provided a list of the documents to be digitized. She explained that the list was smaller than originally planned but that the smaller list would be easier to manage. The list could be amended in the future if necessary.

The Chair asked if the National Archives had communicated anything about the Spanish Archives of New Mexico. Ms. Trujillo explained that there had been no word from the National Archives and that she understood the National Archives was experiencing changes with new leadership and new strategies that they were trying to implement. The Chair asked if Ancestry will digitize from original documents or microfilm. Ms. Trujillo said that the microfilm is not of adequate quality so the original documents will be used. Ms. Salazar agreed that was a correct statement.

The Chair said that it should be required to check the documents to make sure that they are in order. Ms. Salazar said that quality control was being used. Ms. Trujillo stated that this issue had been confirmed with Ancestry. She further explained that the indexes would have to be retained with the understanding that they would not be available on the agency's internet or website for a period of three years. They would however, be available in the Archives down stairs on computers. But that the digitized copies may be used to give out to patrons who are requesting them. She said Ancestry had given the agency permission to use the digitized record to make copies but to not make copies of the indexes.

The Chair asked how long the process was going to take. Ms. Trujillo said that it did not have an estimated time. She said it is going to matter on how fast they can deploy their staff and the



materials that they are going to need. The Chair asked if they were going to use our equipment. She said that they will be using their own equipment. He also asked if we had room to accommodate them. Ms. Salazar said, yes we do. Ms. Trujillo wanted to make the Commission aware that a press release will be going out on the agency's collaboration with Ancestry and that she suspected that there would be good publicity on the subject. And that it was very important that everyone be aware that this will be happening.

There will be 25 licenses available that can be used in the agency. How the agency will use the licenses is still up for discussion. The Chair asked if there were issues with the anti-donation clause. She said no, that it was worked out in the contract. The Chair thanked Ms. Trujillo for her work on this project.

## **B. Building Update**

Mr. Martinez stated that Ms. Linda Trujillo, Mr. Leo Lucero and Ms. Melissa Salazar would be assisting him with the building updates. He said that two capital outlay requests had been submitted. The first is for the building in Santa Fe to expand the record center and archives vault. The second is for additional shelving at the Albuquerque Record Center which is currently at capacity. He stated that he and Ms. Trujillo could not attend the last ICIP Committee meeting, which is the group that decides on these requests, so Mr. Lucero and Ms. Salazar attended and would explain what happened at the meeting. Ms. Salazar stated that Mr. Ruben Rivera had also attended the meeting. She informed the Commission that the Committee had advised the agency to further divide the requests and then prioritize them. Over all she said that they were very receptive to the agency's needs.

Secretary Burckle stated that the Committee is made up of Department of Finance and Administration and Property Control staff.

Mr. Rivera stated that he would take the suggestions to Mr. John Martinez for his review. The Chair asked what would be the next step. Mr. Martinez stated that the request would be reviewed and will be separated as suggested by the ICIP Group. Ms. Trujillo asked Secretary Burckle for his expertise in how we could go forward with revising the new requests. Secretary Burckle said he would assist in any way he could. Ms. Trujillo thanked him. She had a question on the lease amounts and would ask him for his assistance. She said that in hopes of acquiring the shelving for the Albuquerque Record Center, the agency would ask for the assistance of the General Services Department in finding state area space. Secretary Burckle stated that he would review space that would be viable for the agency.

The Chair stated that he understood that the next step was to get the figures regenerated and asked if the agency would have to take up the request to the Committee once again. Ms. Trujillo and Mr. Martinez said no. The Chair then asked if there was a time limit on this request. Mr. Martinez explained that the Legislature would not act on the request until the legislative session.

The Chair stated that all of these issues were of high priority and they should not be delayed. Secretary Burckle advised that there were many ICIP projects that the Governor is going to have to carefully review. He stated that it would be wise to prioritize the requests and submit as suggested. He said that the ICIP criteria are much different than a few years ago. He said now

Services Division hosted a day of speakers during Archives Month. The event had many wonderful speakers including the Chair of the Commission and many other prior State Historians. He said there was also a film presentation hosted by the New Mexico Jewish Historical Society at the Center for Contemporary Art which was a wonderful event.

Mr. Martinez stated that on the same day as the Archives Month even, the agency had its budget hearing in front of the Legislative Finance Committee. The Chair of the Commission and the members of the management team attended to present the agency's budget request, which was very well received. The Chair asked if Mr. Martinez knew the difference status of the requests. Mr. Martinez stated that he had not seen the outcome of the requests.

Mr. Martinez informed the Commission that he was asked to testify at the Economic and Rural Development Committee about a proposed bill that would amend the State Rules Act. The committee endorsed the bill and assigned which legislators would sponsor the bill during the next legislative session. Mr. Martinez explained that he had worked on this amendment back in 2010 along with Ms. Linda Trujillo when she was employed with the Regulation and Licensing Department. This would be the third time it is going to be introduced in a legislative session. He said he expects to testify on the bill both as an expert in Administrative Law as well as being the Administrator of the State Rules Act. He believed that it was a good amendment but did not know how far it would go because there had been opposition in the Senate in the past.

Secretary Burckle asked for a brief review of the State Rules Act. Mr. Martinez stated that currently New Mexico has an Administrative Procedures Act that tells agencies how to make rules; unfortunately almost all agencies are exempt from that act. The State Rules act has requirements that all agencies have to follow when promulgating rules, but those requirements are limited to the filing, publication and compilation of the rules. He said the proposed amendment will fill in the gaps currently found in the rulemaking process. The bill will make the rulemaking process more uniform throughout the state. Secretary Burckle asked why he thought it had taken three attempts to get this passed. Mr. Martinez said that there was still one Senator who had issues with the bill but would not say what those issues were.

Mr. Robert Mead asked if the Administrative Procedures Act should be repealed. Mr. Martinez explained that it would not be wise at this time because pieces of the act are still being used; for example, the Secretary of State has to follow the rulemaking portions of the Administrative Procedures Act when promulgating rules on campaign finance. Repealing the Administrative Procedures Act had been discussed but it would leave gaps in other areas. He said that at some point the act and other rulemaking acts should be over hauled.

The Chair indicated that Mr. Martinez had shared with him some very interesting emails about the Georgia Archives and asked him if he would elaborate. Mr. Martinez stated that the Archives in Georgia are under the Secretary of State, who is appointed by the Governor of the state of Georgia. The Governor made a requirement that all agencies had to make a 30% budget reduction. The Secretary of State decided to make the 30% reduction by closing the State Archives, which would include the firing of all staff and closing the Archives building. Mr. Martinez said that this particular Archives building was one of the best facilities in any state. It was in the same complex as the National Records Center in Morrow, Georgia, with ample space for growth. This caused a huge concern in the professional community and the Council of State

Archivist became involved. Multiple media outlets covered the story. It has come out that they were able to acquire funding to keep the Archives open until the end of the fiscal year. He said that the plan was to transfer the Archives to the University of Georgia system and then will become part of the University. He said so far no one had been fired. Mr. Robert Mead asked how many staff members did the Georgia Archives have. Mr. Martinez said about 35 but that over the years it has been downsized considerably that the Director of the Archives resigned about a year ago.

Mr. Martinez informed the Commission that the photographs from the June Fields Collection that were accepted by the Commission at the last meeting have been digitized since that meeting. He said they will be available online very soon through the agency's Heritage website with the assistance of volunteers and staff time.

He said that the State Historian has been all over the state on speaking engagements.

Mr. Martinez was also happy to report that the Governor had appointed all of the Historical Records Advisory Board members and had also added an additional member increasing the size of the board to nine. He thanked Secretary Burckle for his assistance in getting the Board appointments issued.

The next meeting for the Board will be on December 13. At this meeting there will be training and a call for grants with hoping that the Federal Government will have monies for the grants. The Chair stated that this was the Commission's goals to assist the agency with its needs and if the agency felt that a letter to the new incoming Senators would be helpful he would be willing to help with this issue.

Mr. Martinez advised the Commission that he was working with the Legislative Council Service to see if there were any training opportunities for rules with the incoming Legislature.

He mentioned that the CERR manager position was approved and had gone through all the different processes. The manager will come from ABBA Technologies, and will assist with the management of the project. He said that the CERR project will be taking much of the agency's staff efforts over the next few months.

He said that the Legislative Session will be a priority and that Ms. Trujillo had set up a system that will monitor the legislative activity. The agency is usually asked to assist with bill analysis, which takes much of the staffs' time. He will also be on hand to be an expert witness when needed. The session will begin on January 15, 2013, and will conclude on March 16, 2013.

Mr. Martinez said that the agency website, that began its creation about six months ago, had been delayed due to a few technical issues but staff is working to resolve them.

The Chair stated that he was very pleased with the hiring of more staff for the agency and is hoping that with the passing of the budget the agency will be fully staffed. He said he is hopeful that the agency will acquire the space that it needs. He commended Mr. Martinez and the staff of the agency for all their hard work. He was very proud of the staff of the agency.

The Chair inquired if Mr. Martinez had planned when Archives will return to expanded hours. Mr. Martinez stated that the initial plan was to open regularly back in September. However, it was dependent on the hiring of the Archives Secretary which has not been able to be filled for a number of years. The agency has requested to hire that position, and has received two different listings. The lists were not very sufficient so the agency will be receiving a third list of applicants. It has been a concern because some of the applicants who had previously worked in that position have not been placed on the current lists that have been given to the agency. He said that once the position is filled the Archives will again be able to open at 9:00 am. This has had a direct impact on the accessibility of records for all patrons. He advised the Commission that the Chair and he will be meeting with Mr. Eugene Moser, Secretary with the State Personnel Department to review these issues.

#### **IX. SCHEDULING OF NEXT MEETING**

The Chair asked if the March 19th date would be acceptable for the next meeting. There were no conflicts with the date; the Chair scheduled the meeting for March 19, 2013.

#### **X. ADJOURNMENT**

The Chair entertained a **MOTION** to adjourn. Mr. Mead so **MOVED** and Secretary Burckle **SECONDED** the motion. The motion **PASSED** unanimously. The meeting adjourned at 11:24 a.m.