

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 16 LEGISLATIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (LRRDS)
PART 111 LRRDS, LEGISLATIVE COUNCIL SERVICE

1.16.111.1 ISSUING AGENCY: New Mexico Commission of Public Records – State Records Center and Archives.
[5-19-97; 1.16.111.1 NMAC - Rn, 1 NMAC 3.2.91.1, 10/01/2000]

1.16.111.2 SCOPE: legislative council service
[5-19-97; 1.16.111.2 NMAC - Rn, 1 NMAC 3.2.91.2, 10/01/2000]

1.16.111.3 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; 1.16.111.3 NMAC - Rn, 1 NMAC 3.2.91.3, 10/01/2000]

1.16.111.4 DURATION: permanent
[5-19-97; 1.16.111.4 NMAC - Rn, 1 NMAC 3.2.91.4, 10/01/2000]

1.16.111.5 EFFECTIVE DATE: October 1, 2000
[5-19-97; 1.16.111.5 NMAC - Rn, 1 NMAC 3.2.91.111, 10/01/2000]

1.16.111.6 OBJECTIVE:

A. To establish a records management program for the application of and 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; 1.16.111.6 NMAC - Rn, 1 NMAC 3.2.91.6, 10/01/2000]

1.16.111.7 DEFINITIONS:

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

B. Agency: "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: A periodic examination of an organization to determine whether appropriate procedures and practices are followed.

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

E. Pending litigation: A proceeding in a court of law whose activity is in progress but not yet completed.

F. Record destruction: The process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

G. Records management: The systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

H. Records retention period: 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: A document prepared as part of a records retention program that lists the period of time for retaining records.

J. Public records: "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
1.16.111 NMAC

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 14-3-2 C, 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 also Item No. 1.15.2.101 NMAC of Records Retention and Disposition Schedule for General Administrative Records (1.15.2 NMAC filed 10/01/2000).] [5-19-97; 1.16.111.7 NMAC - Rn, 1 NMAC 3.2.91.7, 10/01/2000]

1.16.111.8 INSTRUCTIONS:

A. For records of an administrative nature, refer to the Records Retention and Disposition Schedule for 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 General Personnel Records, 1.15.6. NMAC

D. For records of a medical nature, refer to the Records Retention and Disposition Schedule for 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, microphotographed 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; 1.16.111.8 NMAC - Rn, 1 NMAC 3.2.91.8, 10/01/2000]

- 1.16.111.9 ACRONYMS:**
A. LIS stands for legislative information system.
B. FY stands for fiscal year.

[1.16.111.9 NMAC - N, 10/01/2000]

1.16.111.10-100 [RESERVED]

1.16.111.101 CONSTITUENT CASE FILES:

- A. Program:** legislative council service
B. Maintenance system: alphabetical by constituent surname
C. Description: house and senate chief clerks records concerning requests and complaints from constituents to state senators or state representatives. Files may include original request or complaint, correspondence, memoranda, investigative reports, legal opinions, court documents, exhibits, depositions, resolutions, etc.
D. Retention: two years after case closed
E. Confidentiality: portions of records contained in these files may be confidential under Section 2-3-13, NMSA 1978.

[1.16.111.101 NMAC - Rp 1 NMAC 3.2.91.111.101, 10/01/2000]

1.16.111.102 REQUESTS FOR LEGISLATIVE MEMORANDA AND BILL DRAFTING:

- A. Program:** legislative council service
B. Maintenance system: numerical by consecutive numbers
C. Description: records concerning requests from legislators to the council regarding memoranda and possible bill drafting. Files may include requests, background material, research information, etc
D. Retention: permanent, after 15 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 Section 2-3-13, NMSA 1978.

[1.16.111.102 NMAC - Rp 1 NMAC 3.2.91.111.102, 10/01/2000]

1.16.111.103 SPECIAL SERVICES AND CONTINUING PROJECTS:

- A. Program:** legislative council service
B. Maintenance system: alphanumerical by name of study, project and year
C. Description: records concerning special studies and ongoing projects requested by legislators. Files may include house and senate bill report forms, library materials and documents, correspondence, memoranda, background material, research information, etc.

D. Retention: permanent, after 20 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 Section 2-3-13, NMSA 1978.

[1.16.111.103 NMAC - Rp 1 NMAC 3.2.91.111.103, 10/01/2000]

1.16.111.104 INTERIM STUDIES:

- A. Program:** legislative council service
B. Maintenance system: numerical by consecutive numbers
C. Description: records concerning studies conducted during the periods between sessions. Includes studies for the legislative interim committees. Files may included background information, correspondence, memoranda, etc.

D. Retention: permanent, after 15 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 Section 2-3-13 NMSA 1978.

[1.16.111.104 NMAC - Rp 1 NMAC 3.2.91.111.104, 10/01/2000]

1.16.111.105 LEGISLATIVE PUBLICATIONS:

- A. Program:** legislative council service
 - B. Maintenance system:** alphabetical by title
 - C. Description:** records concerning legislation introduced in house and senate. Files may include voting records, house and senate journals, final bill locator, veto messages of governor, highlights, handbook, etc.
 - D. Retention:** permanent, after legislative session, transfer to archives
- [1.16.111.105 NMAC - Rp 1 NMAC 3.2.91.111.105, 10/01/2000]

1.16.111.106 CONSTITUENT SERVICES DATABASE:

- A. Program:** legislative council service
 - B. Maintenance system:** [RESERVED]
 - C. Description:** this system maintains requests to the council for information regarding bills and created publications and requests or complaints from constituents to legislators. Database may contain name and address of requestor, date of request, name of legislator to whom request is directed, nature of request, outcome of request, etc. Hard-copy input are constituent case files, 1.16.111.101. NMAC.
 - D. Retention:** five years after date created. For retention on system, software, and documentation, refer to 1.15.2.301.1 and 2 NMAC.
 - E. Confidentiality:** portions of information contained in this database may be confidential under Section 14-2-13, NMSA 1978.
- [1.16.111.106 NMAC - Rp 1 NMAC 3.2.91.111.106, 10/01/2000]

1.16.111.107 LEGISLATIVE INFORMATION SYSTEM (LIS) DATABASES AND FILES:

- A. Program:** legislative council service
 - B. Maintenance system:** [RESERVED]
 - C. Description:** this record contains a system comprised of electronic databases and text documents with information for distribution through intranet and internet sites. Databases contain information on legislation introduced and actions taken on legislation, information on legislators, sponsorship information, committee memberships, concordance and voting records. System also includes text documents of legislation, committee reports, highlights, house and senate journals, and other documents for public distribution, such as press releases, etc.
 - D. Retention:** permanent. For retention on system, software, and documentation, refer to 1.15.2.301.
- [1.16.111.107 NMAC - Rp 1 NMAC 3.2.91.111.107, 10/01/2000]

1.16.111.108 LEGISLATIVE TEXT FROM HOUSE AND SENATE BILLS:

- A. Program:** legislative council service
 - B. Maintenance system:** [RESERVED]
 - C. Description:** LIS input documents. Legislative text shows bill number, title of legislation, bill sponsor, legislative committee reports, voting reports, journals, fiscal impact, agency, department, institution, proof sheets, tables, etc.
 - D. Retention:** permanent. Filed in legislative publications, 1.16.111.105 NMAC. After legislative session, transfer to archives.
- [1.16.111.108 NMAC - Rp 1 NMAC 3.2.91.111.108.1, 10/01/2000]

1.16.111.109 CAPITAL REQUEST FORM:

- A. Program:** legislative council service
 - B. Maintenance system:** [RESERVED]
 - C. Description:** LIS input documents. Record shows name of legislator(s), or legislative committee making the request, purpose of request, who the request is for, appropriation, justification, funding source, etc.
 - D. Retention:** permanent. Filed in requests for legislative memoranda and bill drafting, 1.16.111.102. NMAC. After legislative session, transfer to archives.
- [1.16.111.109 NMAC - Rp 1 NMAC 3.2.91.111.108.2, 10/01/2000]

1.16.111.110 DOCUMENTS CONTAINING INFORMATION ON LEGISLATORS, AND COMMITTEE ASSIGNMENTS:

- A. **Program:** legislative council service
- B. **Maintenance system:** [RESERVED]
- C. **Description:** LIS input documents. Record shows name of legislator, address, telephone number, committee assigned to, committee actions, etc.
- D. **Retention:** permanent. Filed in legislative publications, 1.16.111.105 NMAC. After legislative session, transfer to archives.
[1.16.111.110 NMAC - Rp 1 NMAC 3.2.91.111.108.3, 10/01/2000]

1.16.111.111 ENROLLED AND ENGROSSED BILLS, MEMORIALS AND RESOLUTIONS, AND CONSTITUTIONAL AMENDMENTS:

- A. **Program:** legislative council service
- B. **Maintenance system:** [RESERVED]
- C. **Description:** output from LIS. Forms show legislative bills, memorials and resolutions, and constitutional amendments presented to the governor for signature. These documents show bill number, sponsor, legislature number, session number, definition of legislation, etc.
- D. **Retention:** permanent. Signed originals are bound and filed with secretary of state. [Refer to, 1 NMAC 3.2.93.370.20.218.]
[1.16.111.111 NMAC - Rp 1 NMAC 3.2.91.111.109.1, 10/01/2000]

1.16.111.112 HOUSE AND SENATE JOURNALS:

- A. **Program:** legislative council service
- B. **Maintenance system:** [RESERVED]
- C. **Description:** output from LIS. These are records of daily proceedings of the house and senate.
- D. **Retention:** permanent. Copies are bound and filed with secretary of state. Refer to, 1 NMAC 3.2.93.370.20.218.
[1.16.111.112 NMAC - Rp 1 NMAC 3.2.91.111.109.2, 10/01/2000]

1.16.111.113 CAPITAL OUTLAY REQUEST:

- A. **Program:** legislative council service
- B. **Maintenance system:** [RESERVED]
- C. **Description:** output from LIS. This document shows request number, legislator name, title of request, appropriation, description of project, etc.
- D. **Retention:** permanent. Filed in request for legislative memoranda and bill drafting, 1 NMAC 3.2.91.111.102. After 10 years, transfer to archives.
[1.16.111.113 NMAC - Rp 1 NMAC 3.2.91.111.109.3, 10/01/2000]

1.16.111.114 TABLE AND APPROPRIATION REPORT

- A. **Program:** legislative council service
- B. **Maintenance system:** [RESERVED]
- C. **Description:** output from LIS. Report shows final bill number, amendment, project, sect and sub, FY amount, matching funds, fund source, agency, department, institution name, agency code, legislator or legislative committee requesting appropriation, program, appropriation chart, committee actions, etc.
- D. **Retention:** permanent. Filed in legislative publication, 1.16.111.105 NMAC. After legislative session, transfer to archives.
[1.16.111.114 NMAC - Rp 1 NMAC 3.2.91.111.109.4, 10/01/2000]

1.16.111.115 BILL LOCATOR:

- A. **Program:** legislative council service
- B. **Maintenance system:** [RESERVED]
- C. **Description:** output from LIS. This record shows bill history, bill number, date signed, sponsor, title of legislation, committee actions, location of bill on a day to day basis, etc.
- D. **Retention:** permanent. Filed in legislative publication, 1.16.111.105 NMAC. After legislative session, transfer to archives.
[1.16.111.115 NMAC - Rp 1 NMAC 3.2.91.111.109.5, 10/01/2000]

1.16.111.116 LEGLOG AND LEGCOMM REPORTS:

- A. Program:** legislative council service
- B. Maintenance system:** [RESERVED]
- C. Description:** this record shows reports of legislator information. Report shows legislator name, address, telephone numbers, committee membership, date of meeting, time of meeting, location of meeting, etc.
- D. Retention:** permanent. Filed in legislative publication, 1.16.111.105 NMAC. After legislative session, transfer to archives.
[1.16.111.116 NMAC - Rp 1 NMAC 3.2.91.111.109.6, 10/01/2000]

1.16.111.117 SUBJECT INDEX:

- A. Program:** legislative council service
- B. Maintenance system:** [RESERVED]
- C. Description:** this index shows bill number by committee, title of legislation, name of senator, name of representative, etc.
- D. Retention:** permanent. Filed in legislative publication, 1.16.111.105 NMAC. After legislative session, transfer to archives.
[1.16.111.117 NMAC - Rp 1 NMAC 3.2.91.111.109.7, 10/01/2000]

1.16.111.118 SPONSORS REPORT:

- A. Program:** legislative council service
- B. Maintenance system:** [RESERVED]
- C. Description:** report shows primary sponsorship of bill, bill number, name of legislator, title of legislation, etc.
- D. Retention:** permanent. Filed in legislative publication, 1.16.111 NMAC. After legislative session, transfer to archives.
[1.16.111.118 NMAC - Rp 1 NMAC 3.2.91.111.109.8, 10/01/2000]

History of 1.16.111 NMAC:

Pre-NMAC History:

SRC Rule 74-5, Records Retention and Disposition Schedule Legislative Council Service, 2-25-74.

History of repealed material:

1 NMAC 3.2.91.111, Records Retention and Disposition Schedule Legislative Council Service – repealed, 10-1-2000.