



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 181

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

SENATE BILL 52, as amended

Introduced by



Chapter 181

AN ACT

RELATING TO PUBLIC RECORDS; PROVIDING FOR DELIVERY OF COPIES
OF PUBLIC RECORDS IN ELECTRONIC FORMAT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 14-2-6 NMSA 1978 (being Laws 1993,
Chapter 258, Section 3) is amended to read:

"14-2-6. DEFINITIONS.--As used in the Inspection of
Public Records Act:

A. "custodian" means any person responsible for
the maintenance, care or keeping of a public body's public
records, regardless of whether the records are in that
person's actual physical custody and control;

B. "file format" means the internal structure of
an electronic file that defines the way it is stored and
used;

C. "inspect" means to review all public records
that are not excluded in Section 14-2-1 NMSA 1978;

D. "person" means any individual, corporation,
partnership, firm, association or entity;

E. "public body" means the executive, legislative
and judicial branches of state and local governments and all
advisory boards, commissions, committees, agencies or
entities created by the constitution or any branch of
government that receives any public funding, including

1 political subdivisions, special taxing districts, school
2 districts and institutions of higher education; and

3 F. "public records" means all documents, papers,
4 letters, books, maps, tapes, photographs, recordings and
5 other materials, regardless of physical form or
6 characteristics, that are used, created, received, maintained
7 or held by or on behalf of any public body and relate to
8 public business, whether or not the records are required by
9 law to be created or maintained."

10 SECTION 2. Section 14-2-9 NMSA 1978 (being Laws 1993,
11 Chapter 258, Section 6) is amended to read:

12 "14-2-9. PROCEDURE FOR INSPECTION.--

13 A. Requested public records containing information
14 that is exempt and nonexempt from disclosure shall be
15 separated by the custodian prior to inspection, and the
16 nonexempt information shall be made available for inspection.
17 If necessary to preserve the integrity of computer data or
18 the confidentiality of exempt information contained in a
19 database, a partial printout of data containing public
20 records or information may be furnished in lieu of an entire
21 database. Exempt information in an electronic document shall
22 be removed along with the corresponding metadata prior to
23 disclosure by utilizing methods or redaction tools that
24 prevent the recovery of exempt information from a redacted
25 electronic document.

1 B. A custodian shall provide a copy of a public
2 record in electronic format if the public record is available
3 in electronic format and an electronic copy is specifically
4 requested. However, a custodian is only required to provide
5 the electronic record in the file format in which it exists
6 at the time of the request.

7 C. A custodian:

8 (1) may charge reasonable fees for copying
9 the public records, unless a different fee is otherwise
10 prescribed by law;

11 (2) shall not charge fees in excess of one
12 dollar (\$1.00) per printed page for documents eleven inches
13 by seventeen inches in size or smaller;

14 (3) may charge the actual costs associated
15 with downloading copies of public records to a computer disk
16 or storage device, including the actual cost of the computer
17 disk or storage device;

18 (4) may charge the actual costs associated
19 with transmitting copies of public records by mail,
20 electronic mail or facsimile;

21 (5) may require advance payment of the fees
22 before making copies of public records;

23 (6) shall not charge a fee for the cost of
24 determining whether any public record is subject to
25 disclosure; and

1 (7) shall provide a receipt, upon request.

2 D. Nothing in this section regarding the provision
3 of public data in electronic format shall limit the ability of
4 the custodian to engage in the sale of data as authorized by
5 Section 14-3-15.1 NMSA 1978, including imposing reasonable
6 restrictions on the use of the database and the payment of a
7 royalty or other consideration." _____

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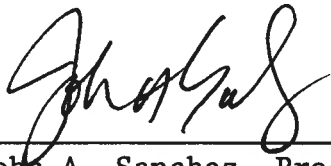
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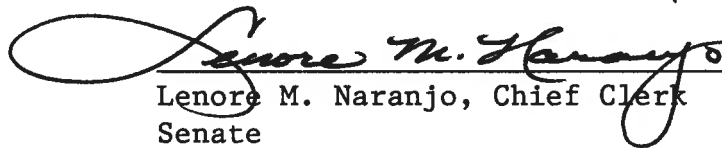
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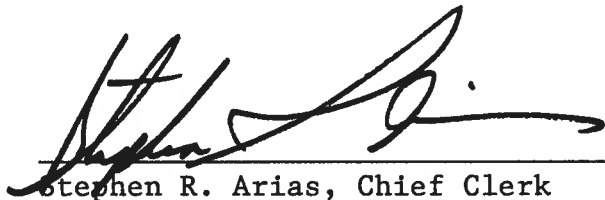
John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate



Ben Lujan, Speaker
House of Representatives



Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 8th day of April, 2011



Governor Susana Martinez
State of New Mexico

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