

1 SENATE BILL 349

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Richard C. Martinez

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9  
10 AN ACT

11 RELATING TO PUBLIC RECORDS; AMENDING THE PUBLIC RECORDS ACT TO  
12 ALLOW DONATIONS FROM PRIVATE SOURCES.

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

15 SECTION 1. Section 14-3-5 NMSA 1978 (being Laws 1959,  
16 Chapter 245, Section 5) is amended to read:

17 "14-3-5. GIFTS, DONATIONS AND LOANS.--

18 A. The commission may receive from private sources  
19 financial or other donations to assist in building, enlarging,  
20 maintaining or equipping a records center or for the  
21 acquisition by purchase of documentary material, in accordance  
22 with plans made and agreed upon by the commission and the  
23 administrator. The commission may also receive from private  
24 sources financial or other donations for support of specific  
25 agency functions if the donations are so designated. Funds

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1 thus received shall be administered by the commission  
2 separately from funds supplied by the state for the execution  
3 of [~~this~~] the Public Records Act but shall be audited by the  
4 state. Such funds shall not be subject to reversion to the  
5 general fund if unexpended at the close of the fiscal year.  
6 Although all material acquired by expenditure of such donated  
7 funds and all such donated material shall become the  
8 unqualified and unrestricted property of the state, permanent  
9 public [~~acknowledgement~~] acknowledgment of the names of the  
10 donors may, in each case, be made in an appropriate manner.

11 B. The commission may receive either as donations or  
12 loans from private sources, other state agencies, counties,  
13 municipalities, the federal government and other states or  
14 countries documentary materials of any physical form or  
15 characteristics [~~which~~] that are deemed to be of value to the  
16 state and the general public for historical reference or  
17 research purposes. Acceptance of both donations and loans  
18 shall be at the discretion of the commission upon advice of the  
19 administrator. Accepted donations shall become, without  
20 qualification or restriction, the property of the state of New  
21 Mexico. Loans shall be accepted only after a written agreement  
22 covering all terms and conditions of each loan shall have been  
23 signed by the lender and the administrator and approved by the  
24 commission."