

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 98

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO PUBLIC RECORDS; PROVIDING FOR THE PROTECTION OF CERTAIN INFORMATION RELATED TO THE COMMERCIAL AEROSPACE INDUSTRY; AMENDING THE INSPECTION OF PUBLIC RECORDS ACT; AMENDING THE SPACEPORT DEVELOPMENT ACT.

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, as amended by Laws 2013, Chapter 117, Section 1 and by Laws 2013, Chapter 214, Section 2) is amended to read:

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"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. "protected personal identifier information" means:

(1) all but the last four digits of a:

(a) taxpayer identification number;

(b) financial account number; or

(c) driver's license number;

(2) all but the year of a person's date of

birth; and

(3) a social security number;

F. "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

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receives any public funding, including political subdivisions, special taxing districts, school districts and institutions of higher education; [and]

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

H. "trade secret" means trade secret as defined in Subsection D of Section 57-3A-2 NMSA 1978."

SECTION 2. Section 58-31-1 NMSA 1978 (being Laws 2005, Chapter 128, Section 1) is amended to read:

"58-31-1. SHORT TITLE.--~~[This act]~~ Chapter 58, Article 31 NMSA 1978 may be cited as the "Spaceport Development Act"."

SECTION 3. A new section of the Spaceport Development Act is enacted to read:

"[NEW MATERIAL] INFORMATION NOT SUBJECT TO

HJC→~~DISCLOSURE~~←HJC HJC→~~INSPECTION~~←HJC.--

HJC→~~A. The following information HJC→Sfl→shall be confidential and←Sfl Sfl→is←Sfl ←HJC HJC→shall be confidential and ←HJC not subject to inspection pursuant to the Inspection of Public Records Act:~~

~~(1) information obtained by the authority that is related to specific technical or business information that is proprietary and is related to the possible relocation, expansion or operation of its aerospace customers;~~

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~~(2) trade secrets, as defined in Subsection D of Section 57-3A-2 NMSA 1978; provided that "independent economic value" as used in that definition includes information created, obtained or in the possession of the authority that derives actual or potential value for the business operation of the authority;~~

~~(3) the identity of authority aerospace customers, if nondisclosure is requested by the customer; and~~

~~(4) information that would compromise the physical security or cybersecurity of authority facilities.~~ ←HJC

HJC→A. The following information obtained by the authority is not subject to inspection pursuant to the Inspection of Public Records Act:

(1) proprietary technical or business information, or information that is related to the possible relocation, expansion or operations of its aerospace customers, for which it is demonstrated, based on specific factual evidence, that disclosure of the information would cause substantial competitive harm to the aerospace customer;

(2) trade secrets, as defined in Subsection D of Section 57-3A-2 NMSA 1978; and

(3) information that would compromise the physical security or cybersecurity of authority facilities or an aerospace customer of the authority. ←HJC

B. The presence in a record of information that

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need not be disclosed pursuant to Subsection A of this section
does not exempt the record from disclosure."

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