

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 92

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO PUBLIC RECORDS; CHANGING DEFINITIONS; PROVIDING
ACCESS TO CERTAIN RECORDS AFTER CERTAIN TIME PERIODS; AMENDING
AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN
APPROPRIATION.

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

Section 1. Section 14-3-2 NMSA 1978 (being Laws 1959,
Chapter 245, Section 2, as amended) is amended to read:

"14-3-2. DEFINITIONS. --As used in the Public Records Act:

[A. ~~"commission" means the state commission of
public records;~~

B. ~~"administrator" means the state records
administrator;~~

C. ~~"public records" means all books, papers, maps,
photographs or other documentary materials, regardless of~~

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 ~~physical form or characteristics, made or received by any~~
2 ~~agency in pursuance of law or in connection with the~~
3 ~~transaction of public business and preserved, or appropriate~~
4 ~~for preservation, by the agency or its legitimate successor as~~
5 ~~evidence of the organization, functions, policies, decisions,~~
6 ~~procedures, operations or other activities of the government or~~
7 ~~because of the informational and historical value of data~~
8 ~~contained therein. Library or museum material of the state~~
9 ~~library, state institutions and state museums, extra copies of~~
10 ~~documents preserved only for convenience of reference and~~
11 ~~stocks of publications and processed documents are not~~
12 ~~included;~~

13 ~~D. "agency" means any state agency, department,~~
14 ~~bureau, board, commission, institution or other organization of~~
15 ~~the state government, the territorial government and the~~
16 ~~Spanish and Mexican governments in New Mexico;~~

17 ~~E. "records center" means the central records~~
18 ~~depository which is the principal state facility for the~~
19 ~~storage, disposal, allocation or use of noncurrent records of~~
20 ~~agencies or materials obtained from other sources;~~

21 ~~F. "microphotography system" means all~~
22 ~~microphotography equipment, services and supplies; and~~

23 ~~G. "microphotography" means the transfer of images~~
24 ~~onto film and electronic imaging or other information storage~~
25 ~~techniques that meet the performance guidelines for legal~~

underscored material = new
[bracketed material] = delete

1 ~~acceptance of public records produced by information system~~
2 ~~technologies pursuant to regulations adopted by the~~
3 ~~commission.]~~

4 A. "administrator" means the state records
5 administrator;

6 B. "agency" means any state agency, department,
7 bureau, board, commission, institution or other organization of
8 the state government, the territorial government and the
9 Spanish and Mexican governments in New Mexico;

10 C. "commission" means the state commission of
11 public records;

12 D. "microphotography" means the transfer of images
13 onto film and electronic imaging or other information storage
14 techniques that meet the performance guidelines for legal
15 acceptance of public records produced by information system
16 technologies pursuant to regulations adopted by the commission;

17 E. "microphotography system" means all
18 microphotography equipment, services and supplies;

19 F. "personal identification information" means the
20 name, social security number, military identification number,
21 home address, telephone number, email address, fingerprint,
22 photograph, identifying biometric data, genetic identification,
23 personal financial account number, state identification number,
24 including driver's license number, alien registration number,
25 government passport number, personal taxpayer identification

. 152196. 1

underscored material = new
[bracketed material] = delete

1 number, or government benefit account number of a natural
2 person;

3 G. "public records" means all books, papers, maps,
4 photographs or other documentary materials, regardless of
5 physical form or characteristics, made or received by any
6 agency in pursuance of law or in connection with the
7 transaction of public business and preserved, or appropriate
8 for preservation, by the agency or its legitimate successor as
9 evidence of the organization, functions, policies, decisions,
10 procedures, operations or other activities of the government or
11 because of the informational and historical value of data
12 contained therein. Library or museum material of the state
13 library, state institutions and state museums, extra copies of
14 documents preserved only for convenience of reference and
15 stocks of publications and processed documents are not
16 included;

17 H. "records center" means the central records
18 depository that is the principal state facility for the
19 storage, disposal, allocation or use of noncurrent records of
20 agencies or materials obtained from other sources;

21 I. "records custodian" means the statutory head of
22 the agency using or maintaining the records or the custodian's
23 designee; and

24 J. "records retention and disposition schedules"
25 means rules adopted by the commission pursuant to Section

. 152196. 1

1 14-3-6 NMSA 1978 describing records of an agency, establishing
2 a timetable for their life cycle and providing authorization
3 for their disposition."

4 Section 2. A new section of the Public Records Act is
5 enacted to read:

6 "[NEW MATERIAL] ACCESS TO CONFIDENTIAL RECORDS. --

7 A. Notwithstanding any other provision of law, any
8 public record deemed by law to be confidential and required by
9 a records retention and disposition schedule to be maintained
10 longer than twenty-five years shall not, after twenty-five
11 years from the date of creation, be confidential and shall be
12 accessible to the public, except:

13 (1) personal identification information deemed
14 confidential by law, which shall remain confidential for one
15 hundred years after the date of creation, unless a shorter
16 duration is otherwise required by law;

17 (2) records that are confidential pursuant to
18 Section 2-3-13 NMSA 1978, which shall remain confidential for
19 seventy-five years after the date of creation;

20 (3) records that are confidential pursuant to
21 Section 18-6-11.1 NMSA 1978; and

22 (4) records whose disclosure is prohibited by
23 court action or federal law.

24 B. Nothing in this section shall limit or remove
25 the discretion of a records custodian to withhold a public

. 152196. 1

1 record pursuant to Section 14-2-1 NMSA 1978. "

2 Section 3. APPROPRIATION. --Twenty-five thousand dollars
3 (\$25,000) is appropriated from the general fund to the state
4 commission of public records for expenditure in fiscal year
5 2006 for the development and delivery of a training program to
6 instruct agencies in the implementation of confidential records
7 retention provisions. Any unexpended or unencumbered balance
8 remaining at the end of fiscal year 2006 shall revert to the
9 general fund.

underscored material = new
[bracketed material] = delete

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25