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SENATE BILL 128

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

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO PUBLIC RECORDS; REQUIRING A CUSTODIAN OF PUBLIC RECORDS TO CERTIFY THAT THE RECORDS PRODUCED ARE TRUE AND CORRECT COPIES AND MADE IN THE REGULAR COURSE OF THE OPERATIONS OF THE PUBLIC BODY OR THAT NO SUCH RECORDS EXIST; REQUIRING THE CUSTODIAN TO IDENTIFY THE REQUEST WHEN RESPONDING; AMENDING A SECTION OF THE INSPECTION OF PUBLIC RECORDS ACT.

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

SECTION 1. Section 14-2-7 NMSA 1978 (being Laws 1993, Chapter 258, Section 4, as amended) is amended to read:

"14-2-7. DESIGNATION OF CUSTODIAN--DUTIES.--

A. Each public body shall designate at least one custodian of public records who shall:

~~[A.]~~ (1) receive and respond to requests to inspect public records;

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1 [~~B-~~] (2) provide proper and reasonable
2 opportunities to inspect public records;

3 [~~G-~~] (3) provide reasonable facilities to make
4 or furnish copies of the public records during usual business
5 hours; and

6 [~~D-~~] (4) post in a conspicuous location at the
7 administrative office of each public body a notice describing:

8 [~~(1)~~] (a) the right of a person to
9 inspect a public body's records;

10 [~~(2)~~] (b) procedures for requesting
11 inspection of public records;

12 [~~(3)~~] (c) procedures for requesting
13 copies of public records;

14 [~~(4)~~] (d) reasonable fees for copying
15 public records; and

16 [~~(5)~~] (e) the responsibility of a public
17 body to make available public records for inspection.

18 B. When producing public records, a custodian shall
19 set forth the request and identify the documents responsive to
20 the request. The custodian shall, upon request, certify that
21 the records produced are:

22 (1) true and correct copies; and

23 (2) made in the regular course of the
24 operations of the public body.

25 C. In the event there are no records responsive to

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1 a request, the custodian shall set forth the request and
2 certify that after a due and diligent search, there are no
3 records, statements or data compilations responsive to the
4 request."

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