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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:

"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"

1 means:

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

3 (a) taxpayer identification number;

4 (b) financial account number; or

5 (c) driver's license number;

6 (2) all but the year of a person's date of  
7 birth; and

8 (3) a social security number;

9 F. "public body" means the executive, legislative  
10 and judicial branches of state and local governments and all  
11 advisory boards, commissions, committees, agencies or  
12 entities created by the constitution or any branch of  
13 government that receives any public funding, including  
14 political subdivisions, special taxing districts, school  
15 districts and institutions of higher education;

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

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

25 SECTION 2. Section 58-31-1 NMSA 1978 (being Laws 2005,

1 Chapter 128, Section 1) is amended to read:

2 "58-31-1. SHORT TITLE.--Chapter 58, Article 31  
3 NMSA 1978 may be cited as the "Spaceport Development Act"."

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

6 "INFORMATION NOT SUBJECT TO INSPECTION.--

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

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

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

18 (3) information that would compromise the  
19 physical security or cybersecurity of authority facilities or  
20 an aerospace customer of the authority.

21 B. The presence in a record of information that  
22 need not be disclosed pursuant to Subsection A of this section  
23 does not exempt the record from disclosure."

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