

1 SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
2 SENATE BILL 388

3 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

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10 AN ACT

11 RELATING TO PUBLIC RECORDS; ELIMINATING FEES AND CHARGES FOR  
12 ACTUAL COSTS FOR COPIES OF PUBLIC RECORDS.

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

15 SECTION 1. Section 14-2-9 NMSA 1978 (being Laws 1993,  
16 Chapter 258, Section 6, as amended) is amended to read:

17 "14-2-9. PROCEDURE FOR INSPECTION.--

18 A. Requested public records containing information  
19 that is exempt and nonexempt from disclosure shall be separated  
20 by the custodian prior to inspection, and the nonexempt  
21 information shall be made available for inspection. If  
22 necessary to preserve the integrity of computer data or the  
23 confidentiality of exempt information contained in a database,  
24 a partial printout of data containing public records or  
25 information may be furnished in lieu of an entire database.

.220025.1

1 Exempt information in an electronic document shall be removed  
2 along with the corresponding metadata prior to disclosure by  
3 utilizing methods or redaction tools that prevent the recovery  
4 of exempt information from a redacted electronic document.

5 B. A custodian shall provide a copy of a public  
6 record in electronic format if the public record is available  
7 in electronic format and an electronic copy is specifically  
8 requested. However, a custodian is only required to provide  
9 the electronic record in the file format in which it exists at  
10 the time of the request.

11 ~~[C. A custodian:~~

12 ~~(1) may charge reasonable fees for copying the~~  
13 ~~public records, unless a different fee is otherwise prescribed~~  
14 ~~by law;~~

15 ~~(2) shall not charge fees in excess of one~~  
16 ~~dollar (\$1.00) per printed page for documents eleven inches by~~  
17 ~~seventeen inches in size or smaller;~~

18 ~~(3) may charge the actual costs associated~~  
19 ~~with downloading copies of public records to a computer disk or~~  
20 ~~storage device, including the actual cost of the computer disk~~  
21 ~~or storage device;~~

22 ~~(4) may charge the actual costs associated~~  
23 ~~with transmitting copies of public records by mail, electronic~~  
24 ~~mail or facsimile;~~

25 ~~(5) may require advance payment of the fees~~

1 ~~before making copies of public records;~~

2 ~~(6) shall not charge a fee for the cost of~~  
3 ~~determining whether any public record is subject to disclosure;~~  
4 ~~and~~

5 ~~(7) shall provide a receipt, upon request.~~

6 D.] C. Nothing in this section regarding the  
7 provision of public data in electronic format shall limit the  
8 ability of the custodian to engage in the sale of data as  
9 authorized by Sections 14-3-15.1 and 14-3-18 NMSA 1978,  
10 including imposing reasonable restrictions on the use of the  
11 database and the payment of a royalty or other consideration."

12 **SECTION 2. EFFECTIVE DATE.**--The effective date of the  
13 provisions of this act is July 1, 2021.

underscoring material = new  
~~[bracketed material] = delete~~