

## Opinion No. 47-5092

October 27, 1947

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. R. R. Spurrier, N.M. Oil Conservation Commission, Santa Fe, New Mexico.

{\*100} This will acknowledge receipt of your letter of October 17, 1947 wherein you request our interpretation of Chapter 185, Laws of 1947, an act which provides for microfilming of public records, papers and documents.

Section 2 of the Act provides that public records, papers and documents may be photographed, microfilmed {\*101} or otherwise reproduced on film.

Section 3 of the Act provides that such reproductions in film shall be deemed original records for all purposes.

Section 4 of the Act provides for the filing of the reproductions in film, and also sets out what must be done before the original records may be disposed of or destroyed.

This last section provides that at least two reproductions in film must be made. One of these reproductions is to be kept at the place where the original record was maintained, and must be placed in accessible files and provisions made for preserving, examining and using same. The other reproduction is to be filed in the archives of the Secretary of State.

This last section further provides that no original record shall be destroyed until after the above reproductions have been made and until after the record has been a public record for at least 5 years, or until the record has been audited by the office of the State Comptroller.

In other words, before a public record, paper or document may be disposed of or destroyed under the provisions of Chapter 185, Laws of 1947, the following requirements must be met:

- (1) The State Comptroller must give his approval to the reproduction in film.
- (2) Two copies of the reproduction in film must be made and filed or maintained as set out above.
- (3) In addition to (1) and (2) above, before the original record can be disposed of or destroyed, it must have been a public record for at least 5 years, **or** it must have been audited by the office of the State Comptroller.

Trusting the above information will be of assistance to you, I remain

WILLIAM R. FEDERICI,

Asst. Atty. General