1	HOUSE BILL 742			
2	44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999			
3	INTRODUCED BY			
4	Daniel P. Silva			
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10	AN ACT			
11	RELATING TO PUBLIC RECORDS; AMENDING A SECTION OF THE NMSA			
12	1978 TO ADD EXCEPTIONS TO THE INSPECTION OF PUBLIC RECORDS			
13	ACT; DECLARING AN EMERGENCY.			
14				
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:			
16	Section 1. Section 14-2-1 NMSA 1978 (being Laws 1947,			
17	Chapter 130, Section 1, as amended) is amended to read:			
18	"14-2-1. RIGHT TO INSPECT PUBLIC RECORDSEXCEPTIONS			
19	A. Every person has a right to inspect any public			
20	records of this state except:			
21	(1) records pertaining to physical or mental			
22	examinations and medical treatment of persons confined to any			
23	institution;			
24	(2) letters of reference concerning			
25	employment, licensing or permits;			
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1 (3) letters or memorandums which are matters of opinion in personnel files or students' cumulative files; 2 law enforcement records that reveal 3 (4) confidential sources, methods, information or individuals 4 5 accused but not charged with a crime. Law enforcement records include evidence in any form received or compiled in 6 7 connection with any criminal investigation or prosecution by 8 any law enforcement or prosecuting agency, including inactive 9 matters or closed investigations to the extent that they 10 contain the information listed above; as provided by the Confidential Materials 11 (5) 12 Act; 13 trade secrets, privileged information, (6) 14 unpublished research, long-range or strategic business plans and other confidential documents of public hospitals discussed 15 16 in a properly closed meeting; 17 [(6)] (7) public records containing the 18 identity of or identifying information relating to an 19 applicant or nominee for the position of president of a public 20 institution of higher education; and 21  $\left[\frac{(7)}{(7)}\right]$  (8) as otherwise provided by law. 22 At least twenty-one days before the date of the Β. 23 meeting of the governing board of a public institution of 24 higher education at which final action is taken on selection 25 of the person for the position of president of the . 126412. 2

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institution, the governing board shall give public notice of the names of the finalists being considered for the position. The board shall consider in the final selection process at least five finalists. The required notice shall be given by publication in a newspaper of statewide circulation and in a newspaper of county-wide circulation in the county in which the institution is located. Publication shall be made once 8 and shall occur at least twenty-one days and not more than thirty days before the described meeting.

Postponement of a meeting described in C. Subsection B of this section for which notice has been given does not relieve the governing body from the requirement of giving notice of a rescheduled meeting in accordance with the provisions of Subsection B of this section.

Action taken by a governing body without D. compliance with the notice requirements of Subsections B and C of this section is void.

Nothing in Subsections B through D of this Ε. section prohibits a governing body from identifying or otherwise disclosing the information described in this section."

EMERGENCY.--It is necessary for the public Section 2. peace, health and safety that this act take effect immediately.

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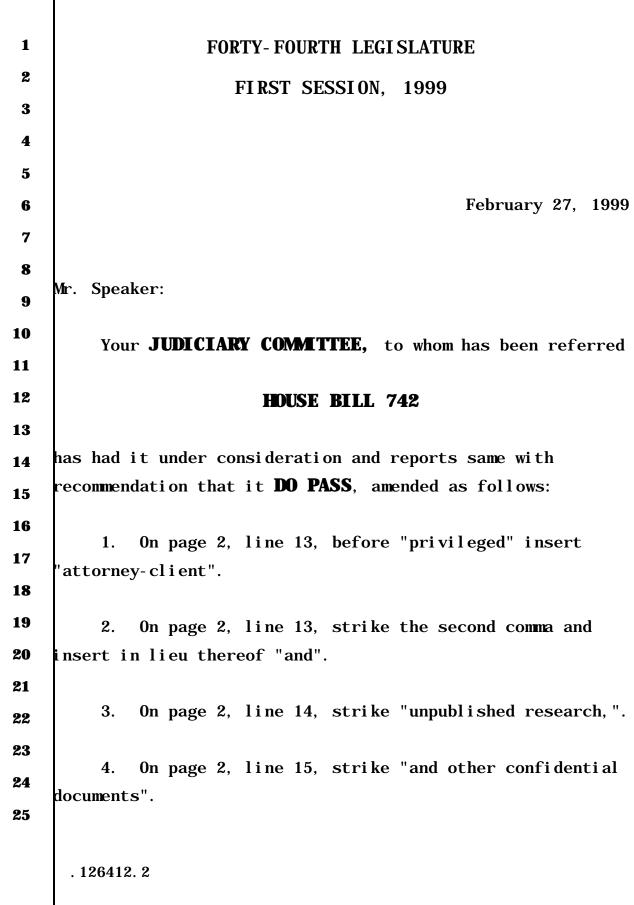
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1	FORTY-FOURTH LEGISLATURE			
2	FIRST SESSION, 1999			
3 <sup>HJ</sup>	/HB 742		Page 5	
4				
5			Respectfully submitted,	
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9			<u>R. David Pederson, Chairman</u>	
10				
11				
12	Adopted		Not Adopted	
13				
14		(Chief Clerk)	(Chief Clerk)	
15		Date		
16				
17	The roll call vote was <u>9</u> For <u>0</u> Against			
18	Yes:	9		
19	Excused:	Luna, Taylor, T., Sai	nchez	
19 20	Absent:	None		
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