AN ACT

RELATING TO PUBLIC RECORDS; AMENDING THE INSPECTION OF PUBLIC RECORDS ACT TO PROVIDE AN EXCEPTION FOR CERTAIN PUBLIC RECORDS THAT COULD BE USED TO FACILITATE THE PLANNING OR EXECUTION OF A TERRORIST ATTACK.

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

Section 1. Section 14-2-1 NMSA 1978 (being Laws 1947, Chapter 130, Section 1, as amended) is amended to read:

"14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--

A. Every person has a right to inspect [any] public records of this state except:

(1) records pertaining to physical or mental examinations and medical treatment of persons confined to [any] an institution;

(2) letters of reference concerning

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underscored material = new
[bracketed material] = delete

1   employment, licensing or permits;

2   (3)   letters or memorandums [which] that are

3   matters of opinion in personnel files or students' cumulative

4   files;

5   (4)   law enforcement records that reveal

6   confidential sources, methods, information or individuals

7   accused but not charged with a crime. Law enforcement records

8   include evidence in any form received or compiled in connection

9   with [any] a criminal investigation or prosecution by [any] a

10   law enforcement or prosecuting agency, including inactive

11   matters or closed investigations to the extent that they

12   contain the information listed above;

13   (5)   as provided by the Confidential Materials

14   Act;

15   (6)   trade secrets, attorney-client privileged

16   information and long-range or strategic business plans of

17   public hospitals discussed in a properly closed meeting;

18   (7)   public records containing the identity of

19   or identifying information relating to an applicant or nominee

20   for the position of president of a public institution of higher

21   education; [and]

22   (8)   records that contain tactical response

23   plans or procedures prepared for or by the state or a political

24   subdivision of the state, the publication of which could reveal

25   specific vulnerabilities, risk assessments or tactical

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1   emergency security procedures that could be used to facilitate

2   the planning or execution of a terrorist attack; and

3   [(8)] (9) as otherwise provided by law.

4   B.   At least twenty-one days before the date of the

5   meeting of the governing board of a public institution of

6   higher education at which final action is taken on selection of

7   the person for the position of president of the institution,

8   the governing board shall give public notice of the names of

9   the finalists being considered for the position.   The board

10   shall consider in the final selection process at least five

11   finalists.   The required notice shall be given by publication

12   in a newspaper of statewide circulation and in a newspaper of

13   county-wide circulation in the county in which the institution

14   is located.   Publication shall be made once and shall occur at

15   least twenty-one days and not more than thirty days before the

16   described meeting.

17   C.   Postponement of a meeting described in

18   Subsection B of this section for which notice has been given

19   does not relieve the governing body from the requirement of

20   giving notice of a rescheduled meeting in accordance with the

21   provisions of Subsection B of this section.

22   D.   Action taken by a governing body without

23   compliance with the notice requirements of Subsections B and C

24   of this section is void.

25   E.   Nothing in Subsections B through D of this

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1 section prohibits a governing body from identifying or

2 otherwise disclosing the information described in this

3 section."

4   Section 2.   EFFECTIVE DATE.--The effective date of the

5 provisions of this act is July 1, 2003.

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