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SENATE BILL 36

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO PUBLIC RECORDS; CREATING AN EXCEPTION TO THE RIGHT
TO INSPECT PUBLIC RECORDS FOR FILED MILITARY DISCHARGE PAPERS.

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
employment, licensing or permits;

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

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1 matters of opinion in personnel files or students' cumulative
2 files;

3 (4) law enforcement records that reveal
4 confidential sources, methods, information or individuals
5 accused but not charged with a crime. Law enforcement records
6 include evidence in any form received or compiled in connection
7 with ~~[any]~~ a criminal investigation or prosecution by ~~[any]~~ a
8 law enforcement or prosecuting agency, including inactive
9 matters or closed investigations to the extent that they
10 contain the information listed above;

11 (5) as provided by the Confidential Materials
12 Act;

13 (6) trade secrets, attorney-client privileged
14 information and long-range or strategic business plans of
15 public hospitals discussed in a properly closed meeting;

16 (7) public records containing the identity of
17 or identifying information relating to an applicant or nominee
18 for the position of president of a public institution of higher
19 education; ~~[and]~~

20 (8) discharge papers of a veteran of the armed
21 forces of the United States filed with the county clerk before
22 July 1, 2003 that have not been commingled with other recorded
23 documents. These papers will be available only to the veteran
24 who filed the papers, the veteran's next of kin, the deceased
25 veteran's properly appointed personal representative or

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1 executor, a person holding the veteran's general power of
2 attorney or a person designated in writing by the veteran to
3 receive the records;

4 (9) discharge papers of a veteran of the armed
5 forces of the United States filed with the county clerk before
6 July 1, 2003 that have been commingled with other recorded
7 documents if the veteran has recorded a request for exemption
8 from public disclosure of discharge papers with the county
9 clerk. If such a request has been recorded, the records may be
10 released only to the veteran filing the papers, the veteran's
11 next of kin, the deceased veteran's properly appointed personal
12 representative or executor, a person holding the veteran's
13 general power of attorney or a person designated in writing by
14 the veteran to receive the records;

15 (10) discharge papers of a veteran of the
16 armed forces of the United States filed with the county clerk
17 after June 30, 2003. These papers will be available only to
18 the veteran who filed them, the veteran's next of kin, the
19 deceased veteran's properly appointed personal representative
20 or executor, a person holding the veteran's general power of
21 attorney or a person designated in writing by the veteran to
22 receive the records; and

23 (11) as otherwise provided by law.

24 B. At least twenty-one days before the date of the
25 meeting of the governing board of a public institution of

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1 higher education at which final action is taken on selection of
2 the person for the position of president of the institution,
3 the governing board shall give public notice of the names of
4 the finalists being considered for the position. The board
5 shall consider in the final selection process at least five
6 finalists. The required notice shall be given by publication
7 in a newspaper of statewide circulation and in a newspaper of
8 county-wide circulation in the county in which the institution
9 is located. Publication shall be made once and shall occur at
10 least twenty-one days and not more than thirty days before the
11 described meeting.

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

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

20 E. Nothing in Subsections B through D of this
21 section prohibits a governing body from identifying or
22 otherwise disclosing the information described in this
23 section. "

24 Section 2. EFFECTIVE DATE. --The effective date of the
25 provisions of this act is July 1, 2003.

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