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SENATE BILL 382

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

INTRODUCED BY

H. Diane Snyder

AN ACT

RELATING TO PUBLIC RECORDS; EXEMPTING WATER AND WASTEWATER
FACILITY SECURITY AND RISK ASSESSMENT INFORMATION FROM
DISCLOSURE PURSUANT TO THE INSPECTION OF PUBLIC RECORDS ACT.

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;

. 143104. 1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 (3) letters or memorandums ~~[which]~~ that are
2 matters of opinion in personnel files or students' cumulative
3 files;

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

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

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

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

21 (8) security and risk assessment information
22 concerning drinking water and wastewater facilities; and

23 ~~[(8)]~~ (9) 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

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. "