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AN ACT

RELATING TO PUBLIC RECORDS; REORGANIZING CERTAIN PROVISIONS
RELATED TO THE INSPECTION OF PUBLIC RECORDS AND RECORDING;
PROVIDING FOR THE PROTECTION OF CERTAIN PERSONAL IDENTIFYING
INFORMATION; UPDATING AND CLARIFYING RECORDING PROCEDURES AND
FEES; PROVIDING PROCEDURES FOR THE INSPECTION OF PUBLIC
RECORDS IN THE OFFICE OF THE COUNTY CLERK; ELIMINATING A
PENALTY PROVISION; AMENDING, REPEALING AND ENACTING SECTIONS
OF THE NMSA 1978.

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

SECTION 1. Section 4-40-5 NMSA 1978 (being Laws 1876,
Chapter 1, Section 30, as amended) is amended to read:

"4-40-5. COUNTY CLERK--DUTY REGARDING ACCOUNTS.--It
shall be the duty of the county clerk to designate upon every
account, which shall be audited and approved and allowed by
the board of county commissioners, the amount so allowed."

SECTION 2. 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 public
records of this state except:

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

1 (2) letters of reference concerning
2 employment, licensing or permits;

3 (3) letters or memoranda that are matters of
4 opinion in personnel files or students' cumulative 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
8 records include evidence in any form received or compiled in
9 connection with a criminal investigation or prosecution by a
10 law enforcement or prosecuting agency, including inactive
11 matters or closed investigations to the extent that they
12 contain the information listed in this paragraph;

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

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

19 (7) tactical response plans or procedures
20 prepared for or by the state or a political subdivision of
21 the state, the publication of which could reveal specific
22 vulnerabilities, risk assessments or tactical emergency
23 security procedures that could be used to facilitate the
24 planning or execution of a terrorist attack; and

25 (8) as otherwise provided by law.

1 B. Protected personal identifier information
2 contained in public records may be redacted by a public body
3 before inspection or copying of a record. The presence of
4 protected personal identifier information on a record does
5 not exempt the record from inspection. Unredacted records
6 that contain protected personal identifier information shall
7 not be made available on publicly accessible web sites
8 operated by or managed on behalf of a public body."

9 SECTION 3. Section 14-2-6 NMSA 1978 (being Laws 1993,
10 Chapter 258, Section 3) is amended to read:

11 "14-2-6. DEFINITIONS.--As used in the Inspection of
12 Public Records Act:

13 A. "custodian" means any person responsible for
14 the maintenance, care or keeping of a public body's public
15 records, regardless of whether the records are in that
16 person's actual physical custody and control;

17 B. "inspect" means to review all public records
18 that are not excluded in Section 14-2-1 NMSA 1978;

19 C. "person" means any individual, corporation,
20 partnership, firm, association or entity;

21 D. "protected personal identifier information"
22 means:

23 (1) all but the last four digits of a:

24 (a) taxpayer identification number;

25 (b) financial account number; or

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(c) driver's license number;

(2) all but the year of a person's date of birth; and

(3) a social security number;

E. "public body" means the executive, legislative and judicial branches of state and local governments and all advisory boards, commissions, committees, agencies or entities created by the constitution or any branch of government that receives any public funding, including political subdivisions, special taxing districts, school districts and institutions of higher education; and

F. "public records" means all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained."

SECTION 4. Section 14-8-1 NMSA 1978 (being Laws 1855-1856, Chapter 18, Section 1, as amended) is amended to read:

"14-8-1. COUNTY CLERKS TO BE RECORDERS.--The county clerks of the different counties of this state shall be ex officio recorders in their respective counties."

SECTION 5. Section 14-8-2 NMSA 1978 (being Laws

1 1855-1856, Section 2, as amended) is amended to read:

2 "14-8-2. COUNTY CLERK--DUTY AS RECORDER.--It is the
3 duty of the county clerk to maintain permanently all
4 documents that by law should be recorded."

5 SECTION 6. Section 14-8-3 NMSA 1978 (being Laws 1963,
6 Chapter 52, Section 1) is amended to read:

7 "14-8-3. RECORDING BOOKS.--When used in Chapter 14,
8 Articles 1 through 5 and 8 through 10 NMSA 1978, "book"
9 includes microfilm and digitized documents."

10 SECTION 7. Section 14-8-4 NMSA 1978 (being Laws 1901,
11 Chapter 62, Section 18, as amended) is amended to read:

12 "14-8-4. ACKNOWLEDGMENT NECESSARY FOR RECORDING--
13 EXCEPTIONS.--

14 A. Any instrument of writing duly acknowledged may
15 be filed and recorded. Any instrument of writing not duly
16 acknowledged may not be filed and recorded or considered of
17 record, though so entered.

18 B. For purposes of this section, "acknowledged"
19 means notarized by a person empowered to perform notarial
20 acts pursuant to the Notary Public Act or the Uniform Law on
21 Notarial Acts.

22 C. Notwithstanding Subsection A of this section,
23 the following documents need not be acknowledged but may be
24 filed and recorded:

- 25 (1) court-certified copies of a court order, SB 369
Page 5

1 judgment or other judicial decree;

2 (2) court-certified transcripts of any money
3 judgment obtained in a court of this state or, pursuant to
4 Section 14-9-9 NMSA 1978, in the United States district court
5 for the district of New Mexico;

6 (3) land patents and land office receipts;

7 (4) mining location notices and amended or
8 additional notices made pursuant to Section 69-3-1 or 69-3-12
9 NMSA 1978 if properly signed by the locator;

10 (5) notice of lis pendens filed pursuant to
11 Section 38-1-14 NMSA 1978;

12 (6) certified copies of foreign wills,
13 marriages or birth certificates duly authenticated; and

14 (7) instruments of writing in any manner
15 affecting lands in the state filed pursuant to Section 14-9-7
16 NMSA 1978, when these instruments have been duly executed by
17 an authorized public officer.

18 D. Any filing or recording permitted or required
19 under the provisions of the Uniform Commercial Code need not
20 comply with the requirements of this section.

21 E. Instruments acknowledged on behalf of a
22 corporation need not have the corporation's seal affixed
23 thereto in order to be filed and recorded."

24 SECTION 8. Section 14-8-6 NMSA 1978 (being Laws
25 1855-1856, Chapter 18, Section 3, as amended) is amended to

1 read:

2 "14-8-6. COUNTY CLERKS--TO ENDORSE AND RECORD LAND
3 TITLES--NOTICE.--When any land title or other document is
4 delivered to the county clerk to be recorded, it is the
5 clerk's duty to endorse immediately on that document or other
6 paper the day, month and year in which the clerk received it,
7 and the clerk shall record it in the book of record as soon
8 as possible. The documents, from the date on which they were
9 delivered to the county clerk, shall be considered as
10 recorded, and this shall be sufficient notice to the public
11 of the contents thereof."

12 SECTION 9. Section 14-8-7 NMSA 1978 (being Laws 1923,
13 Chapter 114, Section 1) is amended to read:

14 "14-8-7. STANDARDS--DURABILITY REQUIREMENTS.--It is the
15 duty of county clerks in this state in recording all
16 instruments of writing that by law they are required to
17 record to do so by a method that ensures permanency and
18 durability. The county clerk of each county in the state
19 shall provide, at the expense of the clerk's respective
20 county, such books or technology as may be necessary and
21 suitable in which to record notices, affidavits and other
22 documents."

23 SECTION 10. Section 14-8-9 NMSA 1978 (being Laws
24 1855-1856, Chapter 18, Section 4, as amended) is amended to
25 read:

1 "14-8-9. SECURITY OF BOOKS OF RECORD--DELIVERY TO
2 SUCCESSORS.--It is the duty of the county clerks to keep
3 their books of record well secured, and when they leave
4 office as clerks, they shall deliver them complete to their
5 successors, including all necessary keys, combinations and
6 passwords."

7 SECTION 11. Section 14-8-10 NMSA 1978 (being Laws
8 1855-1856, Chapter 18, Section 5, as amended) is amended to
9 read:

10 "14-8-10. COUNTY CLERKS--FAILURE TO PERFORM DUTIES AS
11 RECORDER.--For failure to comply with the responsibilities
12 and duties in Chapter 14, Article 8 NMSA 1978, each county
13 clerk is responsible on the clerk's official bond for damages
14 suffered by the injured party."

15 SECTION 12. Section 14-8-12.2 NMSA 1978 (being Laws
16 1985, Chapter 122, Section 2, as amended) is amended to read:

17 "14-8-12.2. COUNTY CLERK RECORDING AND FILING
18 FUND--USES.--

19 A. A "county clerk recording and filing fund" is
20 established in each county.

21 B. Expenditures from the county clerk recording
22 and filing fund shall be determined annually by the county
23 clerk and approved by the board of county commissioners.

24 C. Expenditures from the county clerk recording
25 and filing fund may be expended only:

1 (1) to rent, purchase, lease or
2 lease-purchase recording equipment and for supplies, training
3 and maintenance for such equipment;

4 (2) to rent, purchase, lease or
5 lease-purchase equipment associated with all regular duties
6 in the county clerk's office and for supplies, training and
7 maintenance for such equipment;

8 (3) to rent, purchase, lease or
9 lease-purchase vehicles associated with all regular duties in
10 the county clerk's office and for supplies, training and
11 maintenance for such vehicles, provided that the county clerk
12 shall report annually to the board of county commissioners
13 the usage, mileage and necessity of any vehicle acquired
14 pursuant to this paragraph;

15 (4) for technical assistance or for training
16 associated with all regular duties of the county clerk's
17 office; or

18 (5) for staff travel associated with all
19 regular duties of the county clerk's office pursuant to the
20 Per Diem and Mileage Act."

21 SECTION 13. Section 14-8-14 NMSA 1978 (being Laws
22 1886-1887, Chapter 10, Section 6, as amended) is amended to
23 read:

24 "14-8-14. SEARCHING RECORDS--REPRODUCTION OF
25 RECORDS--FEES.--

1 A. Records maintained in the office of the county
2 clerk are available to be searched without charge during
3 regular business hours.

4 B. County clerks:

5 (1) may charge reasonable fees for
6 conducting searches and for reproducing or permitting
7 reproduction of their records as well as for certifying
8 documents;

9 (2) shall not charge fees in excess of one
10 dollar (\$1.00) per page for documents eleven inches by
11 seventeen inches in size or smaller;

12 (3) may require advance payment of fees
13 before making copies of public records;

14 (4) shall not charge a fee for the cost of
15 determining whether any public record is subject to
16 disclosure; and

17 (5) shall provide a receipt, upon request.

18 C. County clerks shall establish reasonable fees
19 for conducting searches and for reproducing or copying
20 records maintained at the office of the county clerk."

21 SECTION 14. Section 14-8-15 NMSA 1978 (being Laws 1901,
22 Chapter 62, Section 19, as amended) is amended to read:

23 "14-8-15. PAYMENT OF FEES--DISPOSITION.--

24 A. No county clerk shall receive any instrument of
25 writing for filing or record unless the fees for such filing

1 and recording have first been paid.

2 B. Unless otherwise specified by law, the county
3 clerk shall collect a recording fee of twenty-five dollars
4 (\$25.00) for each document filed or recorded by the county
5 clerk.

6 C. If a document being filed or recorded contains
7 more than ten entries to the county recording index, the
8 county clerk shall collect an additional fee of twenty-five
9 dollars (\$25.00) for each additional block of ten or fewer
10 entries to the county recording index from the document.

11 D. To the extent documents described in Section
12 14-8-13 NMSA 1978 are filed or recorded in the office of the
13 county clerk, the documents shall be received pursuant to the
14 fees described in this section.

15 E. For each fee of twenty-five dollars (\$25.00)
16 collected by the county clerk pursuant to this section,
17 eighteen dollars (\$18.00) shall be deposited in the county
18 general fund and seven dollars (\$7.00) shall be deposited in
19 the county clerk recording and filing fund."

20 SECTION 15. Section 14-8-16 NMSA 1978 (being Laws 1973,
21 Chapter 258, Section 150, as amended) is amended to read:

22 "14-8-16. FILINGS OF LEGAL DESCRIPTIONS AND PLATS OF
23 REAL PROPERTY AUTHORIZED--RECORDING.--

24 A. A person owning real property that is subject
25 to property taxation under the Property Tax Code may file for

1 record in the office of the county clerk of the county where
2 the real property is located a legal description or a plat of
3 the real property. The legal description or plat shall be
4 acknowledged and shall be certified by a professional
5 surveyor licensed in the state.

6 B. The United States, the state or its political
7 subdivisions and any agency, department or instrumentality of
8 the United States, the state or its political subdivisions
9 may file for record in the office of the county clerk of the
10 county where the real property is located a legal description
11 or a plat of real property. The legal description or plat
12 shall be acknowledged and shall be certified by a
13 professional surveyor licensed in the state and shall show
14 the governmental agency, department or political subdivision
15 under whose supervision and direction the description or plat
16 was prepared.

17 C. The county clerk shall number descriptions
18 filed under this section consecutively and shall number plats
19 filed under this section consecutively. Immediately upon
20 receiving a description or plat for filing, the county clerk
21 shall note on the instrument the filing number, the date and
22 the time of filing and shall make proper entries in the
23 reception book and in the index to general real estate
24 records.

25 D. The county clerk shall record all descriptions

1 and plats in the same manner as other similar instruments
2 affecting real property are recorded. The county clerk shall
3 charge a fee as provided for in Section 14-8-15 NMSA 1978 for
4 recording documents in the office of the county clerk.

5 E. If the county clerk has the appropriate
6 technology, the clerk shall record the plat electronically,
7 return the original to the person who submitted the plat and
8 forward an electronic copy to the county assessor.

9 Otherwise, all plats to be recorded shall be filed in
10 duplicate with the county clerk. One copy shall be recorded
11 by the county clerk, and one copy shall be delivered by the
12 county clerk to the county assessor."

13 SECTION 16. Section 14-8-17 NMSA 1978 (being Laws 1921,
14 Chapter 61, Section 1, as amended) is amended to read:

15 "14-8-17. DOCUMENTS RECORDED WITHOUT COST.--The county
16 clerk shall record free of charge:

17 A. oaths of public office made pursuant to Article
18 20, Section 1 of the constitution of New Mexico;

19 B. the discharge papers of any person who was
20 accepted for service and served in the armed forces of the
21 United States for thirty days or more;

22 C. tax delinquency lists filed by the county
23 treasurer pursuant to Section 7-38-61 NMSA 1978;

24 D. notices and warrants issued by the secretary of
25 workforce solutions for defaults on payments to the

1 unemployment compensation administration fund filed pursuant
2 to Section 51-1-36 NMSA 1978; and

3 E. a claim of lien under oath of the state
4 engineer, artesian well supervisor or an officer of an
5 artesian conservancy district filed pursuant to Section
6 72-13-8 NMSA 1978."

7 SECTION 17. Section 40-4-15 NMSA 1978 (being Laws 1947,
8 Chapter 16, Section 4, as amended) is amended to read:

9 "40-4-15. CHILD SUPPORT TO CONSTITUTE LIEN ON REAL AND
10 PERSONAL PROPERTY.--

11 A. In case a sum of money is allowed to the
12 children by the decree for the support, education or
13 maintenance of the children, the decree shall become a lien
14 on the real and personal property of the obligor party from
15 the date of filing of a notice of order or decree in the
16 office of the county clerk of each county where any of the
17 property may be situated.

18 B. The notice of order or decree shall contain:

19 (1) the caption of the case from which the
20 duty of child support arose, including the state, county and
21 court in which the case was heard, the case number and the
22 names of the parties when the case was heard;

23 (2) the date of entry of the judgment, order
24 or decree from which the duty of child support arose;

25 (3) the current names and years of birth of

1 the parties; and

2 (4) each party's last known address, unless
3 ordered otherwise in the judgment, order or decree from which
4 the duty of child support arose.

5 C. The notice shall be executed and acknowledged
6 in the same manner as a grant of land is executed and
7 acknowledged.

8 D. A copy of the recorded notice shall be sent to
9 the obligor spouse at the obligor's last known address."

10 SECTION 18. Section 45-3-1205 NMSA 1978 (being Laws
11 1985, Chapter 12, Section 1 and Laws 1985, Chapter 132,
12 Section 1) is amended to read:

13 "45-3-1205. SMALL ESTATES--TRANSFER OF TITLE TO
14 HOMESTEAD TO SURVIVING SPOUSE BY AFFIDAVIT.--

15 A. Where a husband and wife own a homestead as
16 community property and when either the husband or wife dies
17 intestate or dies testate and by the husband's or wife's will
18 devises the husband's or wife's interest in the homestead to
19 the surviving spouse, the homestead passes to the survivor
20 and no probate or administration is necessary.

21 B. Six months after the death of a decedent, the
22 surviving spouse may record with the county clerk in the
23 county in which the homestead is located an affidavit
24 describing the real property and stating that:

25 (1) six months have elapsed since the death

1 of the decedent as shown on the death certificate;

2 (2) the affiant and the decedent were at the
3 time of the death of the decedent married and owned the
4 homestead as community property;

5 (3) a copy of the deed with a legal
6 description of the homestead is attached to the affidavit;

7 (4) but for the homestead, the decedent's
8 estate need not be subject to any judicial probate proceeding
9 either in district court or probate court;

10 (5) no application or petition for
11 appointment of a personal representative or for admittance of
12 a will to probate is pending or has been granted in any
13 jurisdiction;

14 (6) funeral expenses, expenses of last
15 illness and all unsecured debts of the decedent have been
16 paid;

17 (7) the affiant is the surviving spouse of
18 the decedent and is entitled to title to the homestead by
19 intestate succession as provided in Section 45-2-102 NMSA
20 1978 or by devise under a valid last will of the decedent,
21 the original of which is attached to the affidavit;

22 (8) no other person has a right to the
23 interest of the decedent in the described property;

24 (9) no federal or state tax is due on the
25 decedent's estate; and

1 (10) the affiant affirms that all statements
2 in the affidavit are true and correct and further
3 acknowledges that any false statement may subject the person
4 to penalties relating to perjury and subornation of perjury.

5 C. As used in this section, "homestead" means the
6 principal place of residence of the decedent or surviving
7 spouse or the last principal place of residence if neither
8 the decedent nor the surviving spouse is residing in that
9 residence because of illness or incapacitation and that
10 consists of one or more dwellings together with appurtenant
11 structures, the land underlying both the dwellings and the
12 appurtenant structures and a quantity of land reasonably
13 necessary for parking and other uses that facilitates the use
14 of the dwellings and appurtenant structures, and provided the
15 full value of this property as assessed for property taxation
16 purposes does not exceed five hundred thousand dollars
17 (\$500,000)."

18 SECTION 19. Section 48-2-8 NMSA 1978 (being Laws 1880,
19 Chapter 16, Section 8, as amended) is amended to read:

20 "48-2-8. RECORDING OF LIENS--INDEXING--FEES.--The
21 county clerk shall make a record of a claim that shall be
22 indexed as deeds and other conveyances are required by law to
23 be indexed and for which the county clerk may receive the
24 same fees as are allowed by law for recording deeds and other
25 instruments. Any claim, the form of which complies with the

1 requirements of Chapter 48, Article 2 NMSA 1978, shall be
2 entitled to be filed of record."

3 SECTION 20. Section 61-23-28.2 NMSA 1978 (being Laws
4 1999, Chapter 259, Section 34) is amended to read:

5 "61-23-28.2. SURVEYING--RECORD OF SURVEY.--

6 A. For those surveys that do not create a division
7 of land but only show existing tracts of record, except in
8 the instance of remonumentation as specified in the board's
9 minimum standards for boundary surveys, within sixty calendar
10 days of the completion of the survey, a professional surveyor
11 shall cause to be recorded at the office of the county clerk
12 a survey entitled "boundary survey" that shall:

13 (1) contain a printed certification of the
14 professional surveyor stating that "this is a boundary survey
15 of an existing tract", or existing tracts, if appropriate,
16 and that "it is not a land division or subdivision as defined
17 in the New Mexico Subdivision Act";

18 (2) identify all tracts by the uniform
19 parcel code designation or other designation established by
20 the county assessor, if applicable;

21 (3) meet the minimum standards for surveying
22 in New Mexico as established by the board; and

23 (4) not exceed a size of eighteen inches by
24 twenty-four inches and be at least eight and one-half inches
25 by eleven inches.

1 B. Fees for recording a boundary survey shall be
2 in conformance with Section 14-8-15 NMSA 1978.

3 C. For those surveys that do create a division of
4 land, the survey shall be completed in conformity with the
5 board's minimum standards and in conformity with the New
6 Mexico Subdivision Act and any applicable local subdivision
7 ordinances. Filing procedures shall be prescribed in the
8 board's minimum standards. The record of survey required to
9 be filed and recorded pursuant to this subsection shall be
10 recorded at the office of the county clerk within sixty
11 calendar days after completion of the survey or approval by
12 the governing authority."

13 SECTION 21. A new section of Chapter 14, Article 8 NMSA
14 1978 is enacted to read:

15 "PUBLIC RECORDS--INSPECTION--EXCEPTIONS.--

16 A. Except as provided in this section, all
17 documents filed and recorded in the office of the county
18 clerk are public records, subject to disclosure pursuant to
19 the Inspection of Public Records Act.

20 B. The county clerk shall publicly post in the
21 office of the county clerk and on the county's web page a
22 notice that documents recorded in the office of the county
23 clerk are public records, subject to inspection and
24 disclosure.

25 C. Before digitizing or purchasing of documents by SB 369
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1 third parties, protected personal identifier information, as
2 defined in the Inspection of Public Records Act, shall be
3 redacted.

4 D. Documents containing health information that
5 relates to and identifies specific individuals as patients
6 are exempt as a public record pursuant to Section 14-6-1 NMSA
7 1978.

8 E. Discharge papers of a veteran of the armed
9 forces of the United States recorded in the office of the
10 county clerk shall be segregated from public records in the
11 office of the county clerk. Discharge papers recorded before
12 July 1, 2005 that have been commingled with public records
13 and that remain unsegregated are available for inspection in
14 the office of the county clerk but shall not be copied,
15 digitized or purchased by any third party, except by those
16 persons authorized in this section. As the technology
17 becomes available, county clerks shall segregate commingled
18 discharge papers from the public records in the office of the
19 county clerk. Discharge papers recorded in the office of the
20 county clerk are available only to:

- 21 (1) the veteran who filed the papers;
- 22 (2) the veteran's next of kin;
- 23 (3) the deceased veteran's properly
24 appointed personal representative or executor;
- 25 (4) a person holding the veteran's general

1 power of attorney; or

2 (5) a person designated by the veteran in an
3 acknowledged statement to receive the records.

4 F. Death certificates that have been recorded in
5 the office of the county clerk may be inspected, but shall
6 not be copied, digitized or purchased by any third party
7 unless fifty years have elapsed after the date of death and
8 the cause of death and any other medical information
9 contained on the death certificate is redacted, in addition
10 to redaction of protected personal identifier information.
11 Death certificates and other vital records recorded in the
12 office of the county clerk are exempt from the restrictions
13 contained in Subsection A of Section 24-14-27 NMSA 1978. The
14 act of recording a death certificate in the office of the
15 county clerk is considered a convenience; provided that no
16 person shall be required to record a death certificate in the
17 office of the county clerk to effect change of title or
18 interest in property."

19 SECTION 22. A new section of Chapter 14, Article 8 NMSA
20 1978 is enacted to read:

21 "PAYMENT OF FEES--IN-PERSON FILINGS--DISPOSITION.--

22 A. Notwithstanding the provisions of Subsection B
23 of Section 14-8-15 NMSA 1978, if a document being filed or
24 recorded contains fewer than ten entries to the county
25 recording index and is filed or recorded in person in the

1 office of the county clerk by one of the interested persons
2 named on the document, the county clerk shall collect a fee
3 of ten dollars (\$10.00).

4 B. For each fee of ten dollars (\$10.00) collected
5 by the county clerk pursuant to this section, three dollars
6 (\$3.00) shall be deposited in the county general fund and
7 seven dollars (\$7.00) shall be deposited in the county clerk
8 recording and filing fund."

9 SECTION 23. A new section of Chapter 21, Article 1 NMSA
10 1978 is enacted to read:

11 "STATE INSTITUTIONS OF HIGHER EDUCATION--PRESIDENTIAL
12 SEARCHES.--

13 A. Public records containing the identity of or
14 identifying information relating to an applicant or nominee
15 for the position of president of a public institution of
16 higher education are exempt from inspection under the
17 Inspection of Public Records Act.

18 B. At least twenty-one days before the date of the
19 meeting of the governing board of a public institution of
20 higher education at which final action is taken on selection
21 of the person for the position of president of the
22 institution, the governing board shall give public notice of
23 the names of the finalists being considered for the position.
24 The board shall consider in the final selection process at
25 least five finalists. The required notice shall be given by

1 publication in a newspaper of statewide circulation and in a
2 newspaper of countywide circulation in the county in which the
3 institution is located. Publication shall be made once and
4 shall occur at least twenty-one days and not more than thirty
5 days before the described meeting.

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

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

14 E. Nothing in this section prohibits a governing
15 body from identifying or otherwise disclosing the information
16 described in this section.

17 F. This section may be enforced pursuant to the
18 provisions of the Inspection of Public Records Act."

19 SECTION 24. REPEAL.--Sections 14-8-8, 14-8-11,
20 14-8-12.3, 14-8-12.4, 55-9-710 and 69-3-2 NMSA 1978 (being
21 Laws 1923, Chapter 114, Section 2, Laws 1939, Chapter 179,
22 Section 1, Laws 1985, Chapter 122, Sections 3 and 4, Laws
23 2001, Chapter 139, Section 154 and Laws 1876, Chapter 38,
24 Section 2, as amended) are repealed.

25 SECTION 25. EFFECTIVE DATE.--The effective date of the

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provisions of this act is July 1, 2011. _____