

SENATE BILL 63

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Bill Tallman and Micaela Lara Cadena and Gail Chasey

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PUBLIC RECORDS; REQUIRING DISCLOSURE OF THE NAMES OF FINALISTS FOR APPOINTIVE EXECUTIVE POSITIONS;
HGEIC→PROVIDING FOR THE COLLECTION OF CERTAIN DEMOGRAPHIC DATA FOR APPLICANTS AND CANDIDATES FOR APPOINTIVE EXECUTIVE POSITIONS;←HGEIC PROVIDING AN EXEMPTION TO THE INSPECTION OF PUBLIC RECORDS ACT.

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

.223392.1AIC March 14, 2023 (2:37pm)

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SECTION 1. A new section of the Inspection of Public Records Act is enacted to read:

"[NEW MATERIAL] APPOINTIVE EXECUTIVE POSITION--
EXCEPTION--PUBLICATION REQUIRED OF FINALISTS.--

A. A state agency or institution or political subdivision of the state shall make publicly available on the agency's, institution's or political subdivision's website the names and resumes of no fewer than HGEIC→three←HGEIC HGEIC→five←HGEIC finalists for an appointive executive position. HGEIC→The state agency or institution or political subdivision of the state may make fewer finalist names and resumes publicly available if it certifies that it has concluded that the non-disclosed applicants are not currently suitable for the position.←HGEIC The names and resumes shall be made publicly available no fewer than ten days prior to the final decision to select one of the finalists for the position. If fewer than HGEIC→three←HGEIC HGEIC→five←HGEIC applicants or candidates for an appointive executive position possess the minimum qualifications for the position, those applicants or candidates shall be considered finalists.

HGEIC→B. A state agency or institution or political subdivision of the state shall establish and maintain a process for collecting demographic data from applicants and candidates for appointive executive positions on a voluntary and anonymous basis. The data collected shall include the

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applicant's or candidate's self-reported sex, gender identity, sexual orientation, race, ethnicity and primary and other languages spoken. The individual-level data collected shall be maintained as confidential and shall not be disclosed to any person involved in, or who may affect, the selection, appointment or hiring process. When the finalists for the appointive executive position are announced, the state agency or institution or political subdivision of the state shall make publicly available the demographic data collected; provided that the data shall be aggregated and shall not contain personally identifiable information.←HGEIC

HGEIC→B.←HGEIC HGEIC→C.←HGEIC Records that would reveal the identity of an applicant or candidate for an appointive executive position, except for finalists as provided in this section, are exempt from inspection pursuant to the Inspection of Public Records Act.

HGEIC→C.←HGEIC HGEIC→D.←HGEIC Letters of reference or medical or psychological data concerning finalists shall not be made public or made available for public inspection or copying.

HGEIC→D.←HGEIC HGEIC→E.←HGEIC The provisions of this section shall not supersede the provisions of Section 21-1-16.1 NMSA 1978 relating to applicants or nominees for the position of president of a public institution of higher education.

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HGEIC→~~E.~~←HGEIC HGEIC→~~F.~~←HGEIC For the purposes of
this section:

(1) "appointive executive position" means a
non-elected chief executive officer of a state agency or
institution or political subdivision of the state, but does not
include a political appointment, including a cabinet secretary;
and

(2) "finalist" means an applicant or candidate
for an appointive executive position who is a member of the
final group of applicants or candidates."

SECTION 2. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2023.