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HOUSE BILL 742

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Daniel P. Silva

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING A SECTION OF THE NMSA  
1978 TO ADD EXCEPTIONS TO THE INSPECTION OF PUBLIC RECORDS  
ACT; DECLARING AN EMERGENCY.

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  
institution;

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

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1 (3) letters or memorandums which are matters  
2 of opinion in personnel files or students' cumulative 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  
7 connection with any criminal investigation or prosecution by  
8 any 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, privileged information,  
14 unpublished research, long-range or strategic business plans  
15 and other confidential documents of public hospitals discussed  
16 in a properly closed meeting;

17 [~~(6)~~] (7) public records containing the  
18 identity of or identifying information relating to an  
19 applicant or nominee for the position of president of a public  
20 institution of higher education; and

21 [~~(7)~~] (8) as otherwise provided by law.

22 B. At least twenty-one days before the date of the  
23 meeting of the governing board of a public institution of  
24 higher education at which final action is taken on selection  
25 of the person for the position of president of the

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

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

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

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

22 Section 2. EMERGENCY.--It is necessary for the public  
23 peace, health and safety that this act take effect  
24 immediately.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 27, 1999

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8 Mr. Speaker:

9  
10 Your JUDICIARY COMMITTEE, to whom has been referred

11  
12 HOUSE BILL 742

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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS, amended as follows:

- 16  
17 1. On page 2, line 13, before "privileged" insert  
18 "attorney-client".
- 19  
20 2. On page 2, line 13, strike the second comma and  
21 insert in lieu thereof "and".
- 22  
23 3. On page 2, line 14, strike "unpublished research,".
- 24  
25 4. On page 2, line 15, strike "and other confidential  
documents".

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HJC/HB 742

Page 5

Respectfully submitted,

\_\_\_\_\_  
R. David Pederson, Chairman

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Luna, Taylor, T., Sanchez

Absent: None

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FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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March 15, 1999

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Mr. President:

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Your JUDICIARY COMMITTEE, to whom has been referred

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HOUSE BILL 742, as amended

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has had it under consideration and reports same with  
recommendation that it DO PASS.

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Respectfully submitted,

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Michael S. Sanchez, Chairman

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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Adopted \_\_\_\_\_ Not

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Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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The roll call vote was 6 For 0 Against

11

Yes: 6

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No: None

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Excused: Aragon, Davis

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Absent: None

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