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HOUSE BILL 103

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Bill B. O'Neill

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO PUBLIC RECORDS; EXEMPTING BUILDING PLANS AND SPECIFICATIONS AND SECURITY SYSTEMS FROM PUBLIC INSPECTION; EXEMPTING PERSONAL IDENTIFYING INFORMATION FROM PUBLIC INSPECTION.

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 public records of this state except:

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

(2) letters of reference concerning

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1 employment, licensing or permits;

2 (3) letters or memorandums that are matters of
3 opinion in personnel files or students' cumulative 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 a criminal investigation or prosecution by a law
9 enforcement or prosecuting agency, including inactive matters
10 or closed investigations to the extent that they contain the
11 information listed in this paragraph;

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;

21 (8) tactical response plans or procedures
22 prepared for or by the state or a political subdivision of the
23 state, the publication of which could reveal specific
24 vulnerabilities, risk assessments or tactical emergency
25 security procedures that could be used to facilitate the

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1 planning or execution of a terrorist attack;

2 (9) building and security plans and
3 specifications and security protection systems and procedures;

4 (10) security camera video footage;

5 ~~(9)~~ (11) discharge papers of a veteran of
6 the armed forces of the United States filed with the county
7 clerk before July 1, 2005 that have not been commingled with
8 other recorded documents. These papers will be available only
9 to the veteran who filed the papers, the veteran's next of kin,
10 the deceased veteran's properly appointed personal
11 representative or executor, a person holding the veteran's
12 general power of attorney or a person designated in writing by
13 the veteran to receive the records;

14 ~~(10)~~ (12) discharge papers of a veteran of
15 the armed forces of the United States filed with the county
16 clerk before July 1, 2005 that have been commingled with other
17 recorded documents if the veteran has recorded a request for
18 exemption from public disclosure of discharge papers with the
19 county clerk. If such a request has been recorded, the records
20 may be released only to the veteran filing the papers, the
21 veteran's next of kin, the deceased veteran's properly
22 appointed personal representative or executor, a person holding
23 the veteran's general power of attorney or a person designated
24 in writing by the veteran to receive the records;

25 ~~(11)~~ (13) discharge papers of a veteran of

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1 the armed forces of the United States filed with the county
2 clerk after June 30, 2005. These papers will be available only
3 to the veteran who filed them, the veteran's next of kin, the
4 deceased veteran's properly appointed personal representative
5 or executor, a person holding the veteran's general power of
6 attorney or a person designated in writing by the veteran to
7 receive the records; ~~and~~

8 (14) confidential personal information,
9 including a social security number, birth date, personal bank
10 or other financial account numbers, driver's license number,
11 home address, personal phone number and personal email address;
12 and

13 ~~(12)~~ (15) as otherwise provided by law.

14 B. At least twenty-one days before the date of the
15 meeting of the governing board of a public institution of
16 higher education at which final action is taken on selection of
17 the person for the position of president of the institution,
18 the governing board shall give public notice of the names of
19 the finalists being considered for the position. The board
20 shall consider in the final selection process at least five
21 finalists. The required notice shall be given by publication
22 in a newspaper of statewide circulation and in a newspaper of
23 county-wide circulation in the county in which the institution
24 is located. Publication shall be made once and shall occur at
25 least twenty-one days and not more than thirty days before the

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1 described meeting.

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

7 D. Action taken by a governing body without
8 compliance with the notice requirements of Subsections B and C
9 of this section is void.

10 E. Nothing in Subsections B through D of this
11 section prohibits a governing body from identifying or
12 otherwise disclosing the information described in this
13 section."

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