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HOUSE BILL 1027

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Patricia A. Lundstrom

AN ACT

RELATING TO INSPECTION OF PUBLIC RECORDS; EXEMPTING RESIDENTIAL
ADDRESSES OF MUNICIPAL OR COUNTY UTILITY CUSTOMERS.

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
employment, licensing or permits;

(3) letters or memorandums that are matters of

underscoring material = new
[bracketed material] = delete

1 opinion in personnel files or students' cumulative files;

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

10 (5) as provided by the Confidential Materials
11 Act;

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

15 (7) public records containing the identity of
16 or identifying information relating to an applicant or nominee
17 for the position of president of a public institution of higher
18 education;

19 (8) tactical response plans or procedures
20 prepared for or by the state or a political subdivision of the
21 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;

25 (9) discharge papers of a veteran of the armed

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

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

20 (11) discharge papers of a veteran of the
21 armed forces of the United States filed with the county clerk
22 after June 30, 2005. These papers will be available only to
23 the veteran who filed them, the veteran's next of kin, the
24 deceased veteran's properly appointed personal representative
25 or executor, a person holding the veteran's general power of

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1 attorney or a person designated in writing by the veteran to
2 receive the records; ~~[and]~~

3 (12) the residential addresses of customers of
4 municipal or county utilities; and

5 [~~(12)~~] (13) as otherwise provided by law.

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

19 C. Postponement of a meeting described in
20 Subsection B of this section for which notice has been given
21 does not relieve the governing body from the requirement of
22 giving notice of a rescheduled meeting in accordance with the
23 provisions of Subsection B of this section.

24 D. Action taken by a governing body without
25 compliance with the notice requirements of Subsections B and C

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1 of this section is void.

2 E. Nothing in Subsections B through D of this
3 section prohibits a governing body from identifying or
4 otherwise disclosing the information described in this
5 section."

6 Section 2. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2007.

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