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SENATE BILL 259

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Bill Tallman

AN ACT

RELATING TO PUBLIC RECORDS; REQUIRING DISCLOSURE OF THE NAMES OF FINALISTS FOR APPOINTIVE EXECUTIVE POSITIONS; PROVIDING AN EXEMPTION TO THE INSPECTION OF PUBLIC RECORDS ACT FOR OTHER PUBLIC EMPLOYMENT APPLICANTS.

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

SECTION 1. [NEW MATERIAL] PUBLIC EMPLOYMENT EXCEPTION TO INSPECTION OF PUBLIC RECORDS--PUBLICATION REQUIRED OF FINALISTS FOR APPOINTIVE EXECUTIVE POSITIONS.--

A. Records that would reveal the identity of an applicant for public employment, except for finalists as provided in this section, are exempt from inspection pursuant to the Inspection of Public Records Act.

B. A state agency or institution or political subdivision of the state shall prominently post on the

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1 agency's, institution's or political subdivision's website the
2 names and resumes of at least three finalists for an appointive
3 executive position no fewer than ten days prior to the final
4 decision to select one of the finalists for the position.

5 C. Letters of reference or medical or psychological
6 data concerning finalists shall not be made public or made
7 available for public inspection or copying.

8 D. This section may be enforced pursuant to the
9 provisions of the Inspection of Public Records Act.

10 E. For the purposes of this section:

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

15 (2) "finalist" means an applicant or candidate
16 for an appointive executive position as the chief executive
17 officer of a state agency or institution or political
18 subdivision of the state who is a member of the final group of
19 applicants or candidates; provided that if fewer than three
20 applicants or candidates for the chief executive officer
21 position possess the minimum qualifications for the position,
22 those applicants or candidates shall be considered finalists.