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SENATE BILL

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

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; DECLARING AN  
EMERGENCY.

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

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

A. 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.

B. A state agency or institution or political

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1 subdivision of the state shall prominently post on the  
2 agency's, institution's or political subdivision's website the  
3 names and resumes of at least three finalists for an appointive  
4 executive position no fewer than ten days prior to the final  
5 decision to select one of the finalists for the position. If  
6 fewer than three applicants or candidates for an appointive  
7 executive position possess the minimum qualifications for the  
8 position, those applicants or candidates shall be considered  
9 finalists.

10 C. Letters of reference or medical or psychological  
11 data concerning finalists shall not be made public or made  
12 available for public inspection or copying.

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

15 E. The provisions of this section shall not  
16 supersede the provisions of Section 21-1-16.1 NMSA 1978  
17 relating to applicants or nominees for the position of  
18 president of a public institution of higher education.

19 F. For the purposes of this section:

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

25 (2) "finalist" means an applicant or candidate

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1 for an appointive executive position who is a member of the  
2 final group of applicants or candidates.

3 SECTION 2. EMERGENCY.--It is necessary for the public  
4 peace, health and safety that this act take effect immediately.

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