

1 SENATE BILL 39

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Bill Tallman

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10 AN ACT

11 RELATING TO PUBLIC RECORDS; REQUIRING DISCLOSURE OF THE NAMES
12 OF FINALISTS FOR APPOINTIVE EXECUTIVE POSITIONS; PROVIDING AN
13 EXEMPTION TO THE INSPECTION OF PUBLIC RECORDS ACT; DECLARING AN
14 EMERGENCY.

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

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

20 A. Records that would reveal the identity of an
21 applicant or candidate for an appointive executive position,
22 except for finalists as provided in this section, are exempt
23 from inspection pursuant to the Inspection of Public Records
24 Act.

25 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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