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SENATE BILL 63

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

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.

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

SECTION 1. A new section of the Inspection of Public
Records Act is enacted to read:

"[NEW MATERIAL] APPOINTIVE EXECUTIVE POSITION--
EXCEPTION--PUBLICATION REQUIRED OF FINALISTS.--

A. A state agency or institution or political
subdivision of the state shall make publicly available on the
agency's, institution's or political subdivision's website the
names and resumes of no fewer than three finalists for an
appointive executive position. The names and resumes shall be
made publicly available no fewer than ten days prior to the

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1 final decision to select one of the finalists for the position.
2 If fewer than three applicants or candidates for an appointive
3 executive position possess the minimum qualifications for the
4 position, those applicants or candidates shall be considered
5 finalists.

6 B. Records that would reveal the identity of an
7 applicant or candidate for an appointive executive position,
8 except for finalists as provided in this section, are exempt
9 from inspection pursuant to the Inspection of Public Records
10 Act.

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

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

18 E. For the purposes of this section:

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

24 (2) "finalist" means an applicant or candidate
25 for an appointive executive position who is a member of the

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1 final group of applicants or candidates."

2 SECTION 2. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2023.

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