



State of New Mexico
House of Representatives
Santa Fe

JAMES G. TOWNSEND
REPUBLICAN FLOOR LEADER

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March 4, 2020

The Honorable Michelle Lujan Grisham
Governor
New Mexico State Capitol
490 Old Santa Fe Trail
Room 400
Santa Fe, New Mexico 87501

HAND DELIVERED

Dear Governor:

Within the past several days, there have been numerous concerns expressed by pro-transparency advocates throughout New Mexico regarding a provision in House Bill 364 Public Sector Collective Bargaining Changes that will deny New Mexicans access to information related to public employees' names, salaries, and hire dates. This provision in HB 364 is so problematic and contrary to the principles of open government inherent in our Inspection of Public Records Act (IPRA) that I strongly urge you to veto this legislation.

While we both likely disagree on merits of the bill's primary purpose, it is important that your office understand this singular provision is so unwarranted and such an unacceptable erosion of the public's right to know that there is no justification for HB 364 being signed into law. I am not certain whether this legislative language was an intentional change to IPRA or if it was simply a drafting error as this bill was unnecessarily rushed through the Legislature during the waning hours of this past session. But, in any case, your office has the responsibility of ensuring the public's access to key information should never be diminished. Further, with so many different and conflicting opinions as to how this provision should be interpreted, signing this provision into law now without needed clarification from the Legislative Council Service and other legal experts would be irresponsible.

I assume your office will argue this highly problematic provision should not stand in the way of signing HB 364 into law as this one provision can be fixed in next year's legislative session. However, I would counter that such rationalization permits the unnecessary elimination of the public's ability to inspect public records and actually shows contempt for the public's right to know as if this basic right is so unimportant it can be turned on and off at the whim of public officials. In addition, there is no public policy emergency which requires the immediate enactment of HB 364, so there is no reason to allow the

stripping of the public's ability to obtain desired information. Both HB 364 and the needed fix to this troublesome provision can be properly considered during the 2021 legislative session.

During this past session, the House Republican Caucus made several efforts to enhance the public's right to know when it comes to understanding how their government operates. Enhancing and preserving those rights are a fundamental ingredient in not only ensuring citizens know what their government is doing, but it is essential for maintaining trust and respect for their government. There is never any justification for eliminating the people's right to know.

Again, I strongly urge you to veto HB 364 and show the people of New Mexico that you will always protect their ability to exercise their rights under IPRA. Thank you for your consideration of my views.

Respectfully yours,

A handwritten signature in black ink, appearing to read "James G. Townsend". The signature is fluid and cursive, with the first name "James" being particularly prominent.

James G. Townsend
House Republican Leader