

Opinion No. 58-197

September 25, 1958

BY: OPINION OF FRED M. STANDLEY, Attorney General Howard M Rosenthal,
Assistant Attorney General

TO: Honorable Dan Sosa, Jr., District Attorney, Third Judicial District, Las Cruces, New Mexico

QUESTION

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Are the records of an Irrigation District organized under the provisions of Section 75-23-1 through 75-24-54, N.M.S.A., 1953, public records which every citizen of this state would have reasonable right to inspect.

CONCLUSION

Such records are open to public inspection unless otherwise provided by law.

OPINION

ANALYSIS

Section 71-5-1 states:

"every citizen of this state has a right to inspect any public records of this state except records pertaining to physical or mental examinations and medical treatment of persons confined to any institution and except as otherwise provided by law."

Section 71-5-2 states:

"All offices having the custody of any state, county, school, city or town records in this state shall furnish proper and reasonable opportunities for the inspection and examination of all the records . . . during the usual business hours, to all persons having occasion to make examination of them for any lawful purpose".

As a result of the above statutes the Legislature has clearly and unequivocally indicated that public records are to be made public with the exception of certain confidential information and except as otherwise provided by law.

It is hardly necessary to support the fact that the Elephant Butte Irrigation District is a political subdivision of the State of New Mexico. This has been held to be so, repeatedly. (Attorney General's Opinion No. 57-225)

On this basis, in the absence of contrary provisions of the law, the records of the Elephant Butte Irrigation District must be made public.

The only mention that this office finds in the statutes concerning the records of the Elephant Butte Irrigation District is in Section 75-23-15 wherein it states:

". . . All records of the Board must be open to inspection of any elector during the business hours . . ."

This statement is hardly a qualification of Sections 71-5-1 and 71-5-2 nor does it constitute an exception.

Hence this office is of the opinion that the records of the Elephant Butte Irrigation District are open to public scrutiny for any lawful purpose.