

## Opinion No. 59-45

May 5, 1959

**BY:** FRANK B. ZINN, Attorney General

**TO:** Honorable David C. Montoya State Representative San Miguel County 511 West National Las Vegas, New Mexico

Under present law a State Representative or Senator has no right as such to be allowed to attend meetings of various boards of directors, boards of regents of institutions supported by taxpayers of New Mexico.

Under Chapter 120, N.M. Session Laws of 1959 any private citizen will be allowed to attend any meeting where formal decisions or decisions are made regardless of official title of citizen.

### OPINION

{\*68} This is in reply to your recent inquiry seeking an opinion of this office as to whether a member of the New Mexico House of Representatives or the Senate, as such, has the right to attend any and all meetings of the various Boards of Directors and Boards of Regents of Institutions supported by the taxpayers of the State of New Mexico.

It is my opinion that under present statutes or general law, a member of the New Mexico House of Representatives or Senator, by virtue of that office has no special legal right to entitle him to attend all meetings of the various boards of the numerous institutions of New Mexico supported by the taxpayers of New Mexico. However, after June 12, 1959, the effective date of Senate Bill No. 169, which will appear in the 1959 New Mexico Session Laws as Chapter 120, any citizen will have a right to attend any meeting at which any formal decision or decisions are made by the governing bodies of all municipalities, boards of county commissioners, boards of public institutions, and commissions of the state or its subdivision, supported by public funds, as such meetings are required by that enactment to be "public meetings".

I find no specific statutory law or general law that gives a member of the House of Representatives or a State Senator any special right as such not applicable to ordinary citizens, to attend meetings of the various Boards of Directors of State Institutions. Under present law the boards may conduct their meetings either publicly or as executive sessions and may allow public attendance or exclude the public as they deem it advisable.

The lack of any statutory provision brought about passage in the last Legislature of the measure mentioned above which reads in part as follows:

"A. The governing bodies of all municipalities, boards of county commissioners, boards of public instruction and all other governmental boards and commissions of the state or its subdivisions, supported by public funds, shall make all formal decisions at public meetings; provided, however, meetings of grand juries shall not be included as public meetings within the meaning of this section."

From the language of subsection A it is clear that any citizen can attend any meeting by governing bodies of municipalities, boards of county commissioners, boards of public instruction and all other governmental boards and commissions of the state or its subdivisions at which any formal decisions are to be made.

Hilario Rubio

Assistant Attorney General