

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 299

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO WHISTLEBLOWER PROTECTION; CHANGING TO WHOM PUBLIC
EMPLOYEES MAY REPORT UNLAWFUL OR IMPROPER ACTS; REQUIRING
EXHAUSTION OF ADMINISTRATIVE REMEDIES BEFORE WHISTLEBLOWER
PROTECTION ACT REMEDIES ARE AVAILABLE.

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

SECTION 1. Section 10-16C-1 NMSA 1978 (being Laws 2010,
Chapter 12, Section 1) is amended to read:

"10-16C-1. SHORT TITLE.--~~[This act]~~ Chapter 10, Article
16C NMSA 1978 may be cited as the "Whistleblower Protection
Act"."

SECTION 2. Section 10-16C-3 NMSA 1978 (being Laws 2010,
Chapter 12, Section 3) is amended to read:

"10-16C-3. PUBLIC EMPLOYER RETALIATORY ACTION
PROHIBITED.--A public employer shall not take any retaliatory

.207269.3

underscored material = new
[bracketed material] = delete

1 action against a public employee because the public employee:

2 A. communicates to the public employer or [~~a third~~
3 ~~party~~] to an individual or entity in a position to further the
4 public interest information about an action or a failure to act
5 that the public employee believes in good faith constitutes an
6 unlawful or improper act;

7 B. provides information to, or testifies before, a
8 public body as part of an investigation, hearing or inquiry
9 into an unlawful or improper act; or

10 C. objects to or refuses to participate in an
11 activity, policy or practice that constitutes an unlawful or
12 improper act."

13 SECTION 3. Section 10-16C-6 NMSA 1978 (being Laws 2010,
14 Chapter 12, Section 6) is amended to read:

15 "10-16C-6. LIMITATION ON ACTIONS.--~~[A civil action~~
16 ~~pursuant to the Whistleblower Protection Act shall be forever~~
17 ~~barred unless the action is filed within two years from the~~
18 ~~date on which the retaliatory action occurred.] The remedies~~
19 provided for in the Whistleblower Protection Act shall not be
20 available unless the public employee has first exhausted the
21 grievance and administrative remedies as provided in Section
22 28-1-10 NMSA 1978."