

SENATE BILL 364

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO GOVERNMENTAL CONDUCT; CLARIFYING THAT PROHIBITIONS AGAINST REFERENCES TO A LEGISLATOR'S LEGISLATIVE CAPACITY OR AGAINST USE OF LEGISLATIVE STATIONERY DO NOT APPLY WHEN A LEGISLATOR APPEARS FOR, REPRESENTS OR ASSISTS ANOTHER PERSON BEFORE A STATE AGENCY IN CERTAIN MATTERS WITHOUT COMPENSATION

Sf11 → ~~AND FOR THE BENEFIT OF A CONSTITUENT~~ ← Sf11 ; DECLARING AN EMERGENCY.

.224129.1AIC February 9, 2023 (9:51am)

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

SECTION 1. Section 10-16-9 NMSA 1978 (being Laws 1967, Chapter 306, Section 9, as amended) is amended to read:

"10-16-9. CONTRACTS INVOLVING LEGISLATORS--REPRESENTATION BEFORE STATE AGENCIES.--

A. A state agency shall not enter into a contract for services, construction or items of tangible personal property with a legislator, the legislator's family or with a business in which the legislator or the legislator's family has a substantial interest unless the legislator has disclosed the legislator's substantial interest and unless the contract is awarded in accordance with the provisions of the Procurement Code, except the potential contractor shall not be eligible for a sole source or small purchase contract. A person negotiating or executing a contract on behalf of a state agency shall exercise due diligence to ensure compliance with the provisions of this subsection.

B. Except as provided in Subsection C of this section, a legislator shall not appear for, represent or assist another person in a matter before a state agency, unless that appearance, representation or assistance is provided

Sf11→~~;~~←Sf11

Sf11→~~(1)~~←Sf11 without compensation

Sf11→~~;~~←Sf11 [ø] Sf11→~~and~~←Sf11 Sf11→~~.~~←Sf11

Sf11→~~(2) for the benefit of a constituent.~~

~~[except~~←Sf11 for legislators who are attorneys or other

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~~professional persons engaged in the conduct of their professions and, in those instances, the]~~

C. A legislator may appear for, represent or assist another person in a matter before a state agency when the legislator is an attorney or other professional who is making that appearance or providing that representation or assistance while engaged in the conduct of that legislator's profession. That legislator shall [refrain from] not:

(1) make references to the legislator's legislative capacity except as to matters of scheduling [from communications on]; or

(2) use legislative stationery, [and from threats or implications relating to legislative actions] legislative email or any other indicia of the legislator's legislative capacity.

D. A legislator shall not make direct or indirect threats related to legislative actions in any instance in which the legislator appears for, represents or assists another person in a matter before a state agency."

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.