

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 311

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Elizabeth "Liz" Thomson

AN ACT

RELATING TO SEXUAL HARASSMENT IN THE WORKPLACE; REQUIRING TRAINING FOR STATE EMPLOYEES TO PREVENT AND REPORT SEXUAL HARASSMENT IN THE WORKPLACE; REQUIRING REPORTING OF THAT TRAINING; REQUIRING THAT BUSINESSES THAT CONTRACT WITH STATE AGENCIES CERTIFY THAT THEIR EMPLOYEES HAVE UNDERGONE TRAINING TO PREVENT AND REPORT SEXUAL HARASSMENT IN THE WORKPLACE.

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

SECTION 1. A new section of the Governmental Conduct Act is enacted to read:

"[NEW MATERIAL] TRAINING TO PREVENT AND REPORT SEXUAL HARASSMENT IN THE WORKPLACE--REPORTING ON TRAINING.--

A. Each general code of conduct adopted pursuant to Section 10-16-11 NMSA 1978 shall provide, and each judicial agency shall require, that full- and part-time employees

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 governed by the code or employed by the agency, as appropriate,
2 annually receive four or more hours of employer-provided
3 training, by one or more trainers qualified to conduct the
4 training, to prevent and report sexual harassment in the
5 workplace that consists of education on:

6 (1) the behaviors that constitute sexual
7 harassment in the workplace;

8 (2) reporting sexual harassment in the
9 workplace; and

10 (3) the appropriate responses of bystanders
11 who witness sexual harassment in the workplace.

12 B. Each entity that adopts a general code of
13 conduct pursuant to Section 10-16-11 NMSA 1978 and each
14 judicial agency shall report annually on its employees'
15 training to prevent and report sexual harassment in the
16 workplace to:

17 (1) if an executive agency, the general
18 services department;

19 (2) if a legislative agency, the New Mexico
20 legislative council; and

21 (3) if a judicial agency, the administrative
22 office of the courts."

23 SECTION 2. A new section of the Procurement Code is
24 enacted to read:

25 "[NEW MATERIAL] CONTRACTOR EMPLOYEE TRAINING TO PREVENT

.209193.1

underscoring material = new
~~[bracketed material]~~ = delete

1 AND REPORT SEXUAL HARASSMENT IN THE WORKPLACE.--A state agency
2 that enters into a contract with a business with ten or more
3 full-time employees shall require the business to certify that,
4 within one year before the contract is entered into, each of
5 its full-time employees has undergone four or more hours of
6 training, by one or more trainers qualified to conduct the
7 training, to prevent and report sexual harassment in the
8 workplace."

9 SECTION 3. Section 10-16-11 NMSA 1978 (being Laws 1967,
10 Chapter 306, Section 11, as amended) is amended to read:

11 "10-16-11. CODES OF CONDUCT.--

12 A. [~~By January 1, 1994~~] Each elected statewide
13 executive branch public officer shall adopt a general code of
14 conduct for employees subject to [~~his~~] the officer's control.
15 The New Mexico legislative council shall adopt a general code
16 of conduct for all legislative branch employees. The general
17 codes of conduct shall be based on the principles set forth in
18 the Governmental Conduct Act.

19 B. Within thirty days after the general codes of
20 conduct are adopted, they shall be given to and reviewed with
21 all executive and legislative branch officers and employees.
22 All new public officers and employees of the executive and
23 legislative branches shall review the employees' general code
24 of conduct prior to or at the time of being hired.

25 C. The head of every executive and legislative

.209193.1

underscored material = new
[bracketed material] = delete

1 agency and institution of the state may draft a separate code
2 of conduct for all public officers and employees in that agency
3 or institution. The separate agency code of conduct shall
4 prescribe standards, in addition to those set forth in the
5 Governmental Conduct Act and the general codes of conduct for
6 all executive and legislative branch public officers and
7 employees, that are peculiar and appropriate to the function
8 and purpose for which the agency or institution was created or
9 exists. The separate codes, upon approval of the responsible
10 executive branch public officer for executive branch public
11 officers and employees or the New Mexico legislative council
12 for legislative branch employees, govern the conduct of the
13 public officers and employees of that agency or institution
14 and, except for those public officers and employees removable
15 only by impeachment, shall, if violated, constitute cause for
16 dismissal, demotion or suspension. The head of each executive
17 and legislative branch agency shall adopt ongoing education
18 programs to advise public officers and employees about the
19 codes of conduct. All codes shall be filed with the secretary
20 of state and are open to public inspection.

21 D. The general codes of conduct adopted pursuant to
22 Subsection A of this section shall contain provisions for
23 training to prevent and report sexual harassment in the
24 workplace as provided in Section 1 of this 2018 act.

25 [~~D.~~] E. Codes of conduct shall be reviewed at least

.209193.1

underscoring material = new
[bracketed material] = delete

1 once every four years. An amended code shall be filed as
2 provided in Subsection C of this section.

3 ~~[E-]~~ F. All legislators shall attend a minimum of
4 two hours of ethics continuing education and training
5 biennially."

6 SECTION 4. Section 10-16D-3 NMSA 1978 (being Laws 2010,
7 Chapter 34, Section 3, as amended) is amended to read:

8 "10-16D-3. SUNSHINE PORTAL--DEPARTMENT DUTIES.--

9 A. The department, with the department of finance
10 and administration, shall develop, operate and maintain a
11 single internet ~~[web site]~~ website that is free, user-friendly,
12 searchable and accessible to the public, known as the "sunshine
13 portal", to host the state's financial information for the
14 purpose of governmental transparency and accountability to
15 taxpayers.

16 B. ~~[No later than October 1, 2010]~~ The department
17 shall create the architecture and the information exchange
18 process for the collection and electronic publication of the
19 state's financial information.

20 C. ~~[No later than July 1, 2011]~~ The sunshine portal
21 shall be available for public access and include updated
22 information as required by Subsection D of this section.

23 D. The sunshine portal shall provide, at a minimum,
24 access to the following information:

25 (1) the state's cash balances by account or

.209193.1

underscored material = new
[bracketed material] = delete

1 fund;

2 (2) a monthly summary of the state's
3 investment accounts;

4 (3) annual operating budgets for each state
5 agency with monthly expenditures by category;

6 (4) contracts that a state agency enters into
7 for the lease, sale or development of state land and state
8 contracts that have a total contract price of more than twenty
9 thousand dollars (\$20,000), naming the recipient of the
10 contract, the purpose of the contract and the amounts expended
11 [~~No later than January 1, 2017, the information provided shall~~
12 ~~also include~~] and:

13 (a) the name of the recipient of the
14 contract;

15 (b) the purpose of the contract;

16 (c) the amounts expended on the
17 contract;

18 (d) a copy of or an internet [~~web site~~]
19 website link to a copy of the contract document, including
20 amendments; and

21 (e) a copy of or an internet [~~web site~~]
22 website link to a copy of a resident certificate issued
23 pursuant to Section 13-1-22 NMSA 1978 and used in the award of
24 a contract;

25 (5) the revenue that the state received in the

.209193.1

underscored material = new
[bracketed material] = delete

1 preceding month by source, such as type of tax, fee, fine,
2 administrative fee or other collection category;

3 (6) special appropriations received outside
4 the general appropriation act by each state agency and the
5 purpose of those appropriations;

6 (7) approved budget adjustment requests by
7 state agency and affected budget category;

8 (8) quarterly consensus revenue estimates;

9 (9) reversions and cash balances by state
10 agency and fund;

11 (10) appropriations for capital projects,
12 identified by project location, type of project and funding
13 source;

14 (11) a directory of all employee positions,
15 other than exempt employee positions, identified only by state
16 agency, position title and salary;

17 (12) a directory of all exempt employee
18 positions, identified by state agency, position title, salary
19 and the name of the individual that holds the position;

20 (13) information relating to local education
21 providers compiled and published by the public education
22 department pursuant to Section 10-16D-6 NMSA 1978;

23 (14) a link to an open meeting tracker [~~web~~
24 ~~site~~] website upon which each state agency shall post open
25 meetings scheduled for the current month and the next month,

.209193.1

underscored material = new
[bracketed material] = delete

1 including the time and place of the meeting, the subject of the
2 meeting and an agenda;

3 (15) a link to the [~~web site~~] website
4 maintained by the regulation and licensing department for the
5 purpose of accessing information relating to occupational
6 licenses;

7 (16) a link to the state auditor's [~~web site~~]
8 website for the purpose of accessing financial audits;

9 (17) a link to New Mexico's statutes;

10 (18) a link to the New Mexico Administrative
11 Code;

12 (19) a link to the secretary of state's [~~web~~
13 ~~sites~~] websites for lobbyist regulation;

14 (20) an annual summary within three months
15 after the end of the fiscal year, or as soon thereafter as the
16 information becomes available, of the state's fiscal health,
17 including the state budget, revenues and expenditures for the
18 previous fiscal year and projected revenues and operating
19 budgets for the current fiscal year; [~~and~~]

20 (21) information on state employee
21 participation in training to prevent and report sexual
22 harassment in the workplace that is compiled in accordance with
23 Subsection B of Section 1 of this 2018 act; and

24 [~~(21)~~] (22) additional information, as
25 required by rule of the department of finance and

.209193.1

underscoring material = new
~~[bracketed material] = delete~~

1 administration, that will assist the public in understanding
2 state government operations and the use of taxpayer dollars.

3 E. State agencies shall provide updated financial
4 information as frequently as possible but at least monthly.

5 F. The department shall update the ~~[web site]~~
6 website as new information is received but at least monthly,
7 include information from the previous month or year, where
8 relevant, for comparison purposes and maintain the ~~[web site]~~
9 website as the primary source of public information about the
10 activity of the state government."

11 SECTION 5. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2018.

13 - 9 -
14
15
16
17
18
19
20
21
22
23
24
25

