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HOUSE BILL 602

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

WILLIAM E. PORTER

AN ACT

RELATING TO GOVERNMENTAL CONDUCT; APPLYING THE GOVERNMENTAL
CONDUCT ACT TO COUNTY AND MUNICIPAL OFFICERS.

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

Section 1. Section 10-16-2 NMSA 1978 (being Laws 1967,
Chapter 306, Section 2, as amended) is amended to read:

"10-16-2. DEFINITIONS. -- As used in the Governmental
Conduct Act:

A. "business" means a corporation, partnership, sole
proprietorship, firm, organization or individual carrying on a
business;

B. "confidential information" means information that
by law or practice is not available to the public;

C. "employment" means rendering of services for
compensation in the form of salary as an employee;

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1 D. "financial interest" means an interest held by an
2 individual, his spouse or dependent minor children that is:

3 (1) an ownership interest in business; or

4 (2) any employment or prospective employment
5 for which negotiations have already begun;

6 E. "official act" means an official decision,
7 recommendation, approval, disapproval or other action that
8 involves the use of discretionary authority;

9 F. "person" means an individual or entity;

10 G. "public officer or employee" means any person who
11 has been elected to, appointed to or hired for any state office
12 and who receives compensation in the form of salary or is
13 eligible for per diem or mileage or any person who has been
14 elected to or appointed to any county or municipal office, but
15 excludes legislators and judges;

16 H. "standards" means the conduct required by the
17 Governmental Conduct Act; and

18 I. "substantial interest" means an ownership
19 interest that is greater than twenty percent."

20 Section 2. Section 10-16-6 NMSA 1978 (being Laws 1967,
21 Chapter 306, Section 6, as amended) is amended to read:

22 "10-16-6. CONFIDENTIAL INFORMATION.--No legislator, public
23 officer or employee shall use confidential information acquired
24 by virtue of his [state] employment or office for his or
25 another's private gain."

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

3 "10-16-11. CODES OF CONDUCT. --

4 A. By January 1, 1994, each elected statewide
5 executive branch public officer shall adopt a general code of
6 conduct for employees subject to his control. The New Mexico
7 legislative council shall adopt a general code of conduct for
8 all legislative branch employees. The general codes of conduct
9 shall be based on the principles set forth in the Governmental
10 Conduct Act.

11 B. Within thirty days after the general codes of
12 conduct are adopted, they shall be given to and reviewed with
13 all executive and legislative branch officers and employees.
14 All new public officers and employees of the executive and
15 legislative branches shall review the employees' general code of
16 conduct prior to or at the time of being hired.

17 C. The head of every executive and legislative
18 agency and institution of the state may draft a separate code of
19 conduct for all public officers and employees in that agency or
20 institution. The separate agency code of conduct shall
21 prescribe standards, in addition to those set forth in the
22 Governmental Conduct Act and the general codes of conduct for
23 all executive and legislative branch public officers and
24 employees, that are peculiar and appropriate to the function and
25 purpose for which the agency or institution was created or

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1 exists. The separate codes, upon approval of the responsible
2 executive branch public officer for executive branch public
3 officers and employees or the New Mexico legislative council for
4 legislative branch employees, govern the conduct of the public
5 officers and employees of that agency or institution and, except
6 for those public officers and employees removable only by
7 impeachment, shall, if violated, constitute cause for dismissal,
8 demotion or suspension. The head of each executive and
9 legislative branch agency shall adopt ongoing education programs
10 to advise public officers and employees of the executive and
11 legislative branches about the codes of conduct. All codes
12 shall be filed with the secretary of state and are open to
13 public inspection.

14 D. Codes of conduct shall be reviewed at least once
15 every four years. An amended code shall be filed as provided in
16 Subsection C of this section.

17 E. All legislators shall attend a minimum of one
18 hour of ethics continuing education and training annually. "

19 Section 4. Section 10-16-17 NMSA 1978 (being Laws 1993,
20 Chapter 46, Section 37) is amended to read:

21 "10-16-17. CRIMINAL PENALTIES. -- Unless specified otherwise
22 in the Governmental Conduct Act, any person who knowingly and
23 willfully violates any of the provisions of that act is guilty
24 of a misdemeanor and shall be punished by a fine of not more
25 than one thousand dollars (\$1,000) or by imprisonment for not

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1 more than one year or both. If a county or municipal ordinance
2 imposes a stricter penalty for a violation of conduct required
3 by the Governmental Conduct Act, then the county or municipal
4 ordinance shall apply. Nothing in the Governmental Conduct Act
5 shall preclude criminal prosecution for bribery or other
6 provisions of law set forth in the constitution of New Mexico or
7 by statute. "

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 20, 1997

Mr. Speaker:

Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred

HOUSE BILL 602

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.

Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Hobbs

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 12, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 602

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 3, line 4, strike "1994" and insert in lieu
thereof "1998".

2. On page 3, line 5, after "officer" insert ", county
commission or city governing body".

Respectfully submitted,

Thomas P. Foy, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: M P. Garcia, Pederson, Rios, Sanchez, Stewart

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 602, as amended

has had it under consideration and reports same with recommendation that it DO PASS.

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____ Not Adopted _____

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Ingle, Smith

Absent: None

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