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AN ACT

RELATING TO ETHICS; EXTENDING PROVISIONS OF THE GOVERNMENTAL
CONDUCT ACT TO INCLUDE PUBLIC OFFICERS AND EMPLOYEES OF
POLITICAL SUBDIVISIONS OF THE STATE; EXPANDING THE DEFINITION
OF "CONTRACT"; ALLOWING PUBLIC OFFICERS AND EMPLOYEES TO
CONTRACT WITH THE AGENCY THAT EMPLOYS THEM; PROHIBITING
CERTAIN ACTS BY PUBLIC OFFICERS AND EMPLOYEES; AMENDING,
REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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:

"PROHIBITED EMPLOYMENT.--It is unlawful for a state
agency employee or local government agency employee who is
participating directly or indirectly in the contracting
process to become or to be, while such an employee, the
employee of any person or business contracting with the
governmental body by whom the employee is employed."

SECTION 2. 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;

1 B. "confidential information" means information
2 that by law or practice is not available to the public;
3 C. "contract" means an agreement or transaction
4 having a value of more than one thousand dollars (\$1,000)
5 with a state or local government agency for:
6 (1) the rendition of services, including
7 professional services;
8 (2) the furnishing of any material, supplies
9 or equipment;
10 (3) the construction, alteration or repair
11 of any public building or public work;
12 (4) the acquisition, sale or lease of any
13 land or building;
14 (5) a licensing arrangement;
15 (6) a loan or loan guarantee; or
16 (7) the purchase of financial securities or
17 instruments;
18 D. "employment" means rendering of services for
19 compensation in the form of salary as an employee;
20 E. "family" means an individual's spouse, parents,
21 children or siblings, by consanguinity or affinity;
22 F. "financial interest" means an interest held by
23 an individual or the individual's family that is:
24 (1) an ownership interest in business or
25 property; or

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

3 G. "local government agency" means a political
4 subdivision of the state or an agency of a political
5 subdivision of the state;

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

9 I. "public officer or employee" means any elected
10 or appointed official or employee of a state agency or local
11 government agency who receives compensation in the form of
12 salary or is eligible for per diem or mileage but excludes
13 legislators;

14 J. "standards" means the conduct required by the
15 Governmental Conduct Act;

16 K. "state agency" means any branch, agency,
17 instrumentality or institution of the state; and

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

20 SECTION 3. Section 10-16-3 MSA 1978 (being Laws 1993,
21 Chapter 46, Section 28, as amended) is amended to read:

22 "10-16-3. ETHICAL PRINCIPLES OF PUBLIC SERVICE--CERTAIN
23 OFFICIAL ACTS PROHIBITED--PENALTY.--

24 A. A legislator or public officer or employee
25 shall treat the legislator's or public officer's or

