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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; DECLARING AN EMERGENCY.

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.

1           B. Except as provided in Subsection C of this  
2 section, a legislator shall not appear for, represent or  
3 assist another person in a matter before a state agency,  
4 unless that appearance, representation or assistance is  
5 provided without compensation.

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

12                   (1) make references to the legislator's  
13 legislative capacity except as to matters of scheduling; or

14                   (2) use legislative stationery, legislative  
15 email or any other indicia of the legislator's legislative  
16 capacity.

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

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

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