

1 HOUSE BILL 291

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Nathan P. Small and Javier Martínez and Rebecca Dow

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10 AN ACT

11 RELATING TO PUBLIC OFFICERS; CHANGING REQUIREMENTS OF THE
12 FINANCIAL DISCLOSURE ACT; REQUIRING APPOINTEES TO VACANT
13 ELECTIVE OFFICES TO FILE FINANCIAL DISCLOSURE STATEMENTS.

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

16 SECTION 1. Section 10-16A-3 NMSA 1978 (being Laws 1993,
17 Chapter 46, Section 41, as amended) is amended to read:

18 "10-16A-3. REQUIRED DISCLOSURES FOR CERTAIN CANDIDATES
19 AND PUBLIC OFFICERS AND EMPLOYEES--CONDITION FOR PLACEMENT ON
20 BALLOT OR APPOINTMENT.--

21 A. At the time of filing a declaration of candidacy
22 or nominating petition, a candidate for legislative or
23 statewide office shall file with the ~~[proper filing officer, as~~
24 ~~defined in Section 1-8-25 NMSA 1978]~~ secretary of state a
25 financial disclosure statement on a prescribed form. In

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1 addition, each year thereafter during the month of January, a
2 legislator and a person holding a statewide office shall file
3 with the ~~[proper filing officer]~~ secretary of state a financial
4 disclosure statement. ~~[If the proper filing officer is not the~~
5 ~~secretary of state, the proper filing officer shall forward a~~
6 ~~copy of the financial disclosure statement to the secretary of~~
7 ~~state within seventy-two hours.]~~

8 B. A state agency head, a person appointed to fill
9 a vacancy in a state elective office, an official whose
10 appointment to a board or commission is subject to confirmation
11 by the senate or a member of the insurance nominating committee
12 shall file with the secretary of state a financial disclosure
13 statement within thirty days of appointment and during the
14 month of January every year thereafter that the person holds
15 public office.

16 C. The financial disclosure statement shall include
17 for any person identified in Subsection A or B of this section
18 and the person's spouse the following information for the prior
19 calendar year:

20 (1) the full name, mailing address and
21 residence address of each person covered in the disclosure
22 statement, except the address of the spouse need not be
23 disclosed; the name and address of the person's and spouse's
24 employer and the title or position held; and a brief
25 description of the nature of the business or occupation;

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1 (2) all sources of gross income of more than
2 five thousand dollars (\$5,000) to each person covered in the
3 disclosure statement, identified by general category
4 descriptions that disclose the nature of the income source, in
5 the following broad categories: law practice or consulting
6 operation or similar business, finance and banking, farming and
7 ranching, medicine and health care, insurance (as a business
8 and not as payment on an insurance claim), oil and gas,
9 transportation, utilities, general stock market holdings,
10 bonds, government, education, manufacturing, real estate,
11 consumer goods sales with a general description of the consumer
12 goods and the category "other", with direction that the income
13 source be similarly described. In describing a law practice,
14 consulting operation or similar business of the person or
15 spouse, the major areas of specialization or income sources
16 shall be described, and if the spouse or a person in the
17 reporting person's or spouse's law firm, consulting operation
18 or similar business is or was during the reporting calendar
19 year or the prior calendar year a registered lobbyist under the
20 Lobbyist Regulation Act, the names and addresses of all clients
21 represented for lobbying purposes during those two years shall
22 be disclosed;

23 (3) a general description of the type of real
24 estate owned in New Mexico, other than a personal residence,
25 and the county where it is located;

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1 (4) all other New Mexico business interests
2 not otherwise listed of ten thousand dollars (\$10,000) or more
3 in a New Mexico business or entity, including any position held
4 and a general statement of purpose of the business or entity;

5 (5) all memberships held by the reporting
6 individual and the individual's spouse on boards of for-profit
7 businesses in New Mexico;

8 (6) all New Mexico professional licenses held;

9 (7) each state agency that was sold goods or
10 services in excess of five thousand dollars (\$5,000) during the
11 prior calendar year by a person covered in the disclosure
12 statement;

13 (8) each state agency, other than a court,
14 before which a person covered in the disclosure statement
15 represented or assisted clients in the course of the person's
16 employment during the prior calendar year; and

17 (9) a general category that allows the person
18 filing the disclosure statement to provide whatever other
19 financial interest or additional information the person
20 believes should be noted to describe potential areas of
21 interest that should be disclosed.

22 D. A complete financial disclosure statement shall
23 be filed every year. ~~[The secretary of state shall mail each~~
24 ~~elected official required to file a financial disclosure~~
25 ~~statement a copy of any statement the person filed the previous~~

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1 year.]

2 E. The financial disclosure statements filed
3 pursuant to this section are public records open to public
4 inspection during regular office hours and shall be retained by
5 the secretary of state [~~for five years from the date of filing~~]
6 as long as the official is in office or a position of
7 authority, and thereafter be retained in accordance with the
8 Public Records Act.

9 F. A person who files a financial disclosure
10 statement may file an amended statement at any time to reflect
11 significant changed circumstances that occurred since the last
12 statement was filed.

13 G. A candidate for a legislative or statewide
14 office who fails or refuses to file a financial disclosure
15 statement required by this section before the final date for
16 the withdrawal of candidates provided for in the Election Code
17 shall not have the candidate's name printed on the election
18 ballot.

19 H. For a state agency head, an official whose
20 appointment to a board or commission is subject to confirmation
21 by the senate or a member of the insurance nominating
22 committee, the filing of the financial disclosure statement
23 required by this section is a condition of entering upon and
24 continuing in state employment or holding an appointed
25 position."

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