

FIFTY-SIXTH LEGISLATURE
FIRST SESSION

March 4, 2023

HOUSE FLOOR AMENDMENT number _____ to HOUSE BILL 5, as amended

Amendment sponsored by Representative Kathleen Cates

1. Strike House Judiciary Committee Amendment 3.

2. On page 1, between lines 22 and 23, insert the following new section:

"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. "contract" means an agreement or transaction having a value of more than one thousand dollars (\$1,000) with a state or local government agency for:

(1) the rendition of services, including professional services;

(2) the furnishing of any material, supplies or equipment;

(3) the construction, alteration or repair of any public building or public work;

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(4) the acquisition, sale or lease of any land or building;

(5) a licensing arrangement;

(6) a loan or loan guarantee; or

(7) the purchase of financial securities or instruments;

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

E. "family" means an individual's spouse, parents, children or siblings, by consanguinity or affinity;

F. "financial interest" means an interest held by an individual or the individual's family that is:

(1) an ownership interest in business or property; or

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

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

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

I. "political activity" means activity directed toward the success or failure of a political party, candidate for partisan political office or partisan political group;

[~~F.~~] J. "public officer or employee" means any elected or

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appointed official or employee of a state agency or local government agency who receives compensation in the form of salary or is eligible for per diem or mileage but excludes legislators;

~~[J.]~~ K. "standards" means the conduct required by the Governmental Conduct Act;

~~[K.]~~ L. "state agency" means any branch, agency, instrumentality or institution of the state; and

~~[L.]~~ M. "substantial interest" means an ownership interest that is greater than twenty percent."".

3. Renumber the succeeding sections accordingly.

4. On page 7, line 24, before the comma, insert "who knowingly caused the violation to occur" and after "additionally", insert "and".

Kathleen Cates

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____