

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR Lopez ORIGINAL DATE 1/28/09  
LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_  
SHORT TITLE Governmental Conduct Act For Public Officers SB 49  
ANALYST Wilson

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

Relates to HB 99, HB 151, HB 252, SB 94, SB 116, SB 139, SB 140, SB 163, SB 262 & SB 269

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)  
Higher Education Department (HED)  
Public Education Department (PED)

### SUMMARY

#### Synopsis of Bill

Senate Bill 49 extends the Governmental Conduct Act, Section 10-16-1 et seq., NMSA 1978, by including local government, local officials, and local public employees.

Currently, only one section of the Governmental Conduct Act regulates local government: under Section 10-16-13 local governments are prohibited from awarding bids to an employee who prepared the bid.

In addition, a new section ensures that local government retains the power to pass more stringent ethics requirements.

Lastly, under an amendment to Section 10-16-13.1, both the Secretary of State (SOS) and the AGO will share responsibility for providing training to officials and employees on their ethical duties under the statute. Currently, the SOS has sole responsibility for this task.

**FISCAL IMPLICATIONS**

There is no fiscal impact.

**SIGNIFICANT ISSUES**

This bill amends the Governmental Conduct so it applies systematically to all public bodies, officials, and employees.

The Governmental Conduct Act prohibits state officers and employees from taking official acts for the primary purpose of directly enhancing their financial interest. Similarly, the Governmental Conduct Act prohibits state officers and employees from using confidential information for anyone’s personal gain. The AGO believes there is a persuasive rationale that these standards should apply to all segments of government.

**ADMINISTRATIVE IMPLICATIONS**

The bill gives the AGO shared responsibility for providing ethics training under the Act, but the AGO most likely already has the resources available as it already provides similar training under the open meetings act and the inspection of public records act.

The SOS should be able to handle the provisions of this bill with existing resources as part of their ongoing responsibilities.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB 49 relates to:

- HB 99, Prohibit Former Legislators as Lobbyists
- HB 151, State Ethics Commission Act
- HB 252, Political Contributions To Candidates
- SB 94, Prohibit Former Legislators as Lobbyists
- SB 116, Limit Contributions to Candidates & PACs
- SB 139, State Ethics Commission Act
- SB 140, State Ethics Commission Act
- SB 163, Prohibit Former Legislators as Lobbyists
- SB 262, Political Contributions To Candidates
- SB 269, State Bipartisan Ethics Commission Act

**TECHNICAL ISSUES**

PED suggests adding a definition to this bill for “political subdivision of the state under which definitions of “state agencies” and “local government agencies” would fall.

DW/svb