

1 SENATE MEMORIAL 114

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Daniel A. Ivey-Soto

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10 A MEMORIAL

11 REQUESTING THE COUNCIL OF UNIVERSITY PRESIDENTS AND THE NEW
12 MEXICO FOUNDATION FOR OPEN GOVERNMENT TO CONDUCT A STUDY WITH
13 VARIOUS PUBLIC AND NONPROFIT ENTITIES ON HOW TO BALANCE THE
14 WORK OF NONPROFIT FOUNDATIONS THAT PRIMARILY SUPPORT PUBLIC
15 BODIES WITH THE NEED FOR TRANSPARENCY IN CONDUCTING PUBLIC
16 BUSINESS; REQUESTING A REPORT.

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18 WHEREAS, many public bodies in New Mexico have nonprofit
19 foundations that exist solely or primarily to support the
20 public body; and

21 WHEREAS, these foundations play a crucial role in
22 supporting the mission and success of these public bodies; and

23 WHEREAS, nonprofit foundations that exist solely or
24 primarily to support a public body are considered private
25 entities and are not subject to any state sunshine laws; and

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1 WHEREAS, nonprofit foundations that exist solely or
2 primarily to support a public body have, from time to time,
3 been perceived to engage in public business or to confer a
4 public benefit upon donors while the terms of such transactions
5 have not been shared with the public;

6 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
7 OF NEW MEXICO that the council of university presidents and the
8 New Mexico foundation for open government be requested to
9 conduct a study regarding the proper level of transparency for
10 nonprofit foundations that exist solely or primarily to support
11 a public body; and

12 BE IT FURTHER RESOLVED that the members of the legislature
13 be informed of the times, dates and locations of meetings and
14 that, in addition to the membership of the council of
15 university presidents and the New Mexico foundation for open
16 government, the New Mexico hospital association, the New Mexico
17 coalition for charter schools, the New Mexico press association
18 and the cultural affairs department be requested to participate
19 in the study, and that members of the general public and
20 entities that have an interest in the transparency of public
21 functions or are public bodies with supporting nonprofit
22 foundations be invited to participate as well; and

23 BE IT FURTHER RESOLVED that the council of university
24 presidents and the New Mexico foundation for open government be
25 requested to develop a report on the study, including

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1 recommendations to balance the work of nonprofit foundations
2 that support public bodies with the need of the public for
3 transparency in the conduct of public business and to
4 distribute copies of the report to the incoming members of the
5 fifty-fourth legislature prior to the beginning of the
6 legislative session in 2019; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to the council of university presidents, the New
9 Mexico foundation for open government, the New Mexico hospital
10 association, the New Mexico coalition for charter schools, the
11 New Mexico press association and the cultural affairs
12 department.

