

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

HB 80/a

March 5, 2003

Madam President:

Your CORPORATIONS AND TRANSPORTATION COMMITTEE, to whom has been referred

HOUSE BILL 80

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 17, between lines 21 and 22, insert the following new Section 8 to read:

"Section 8. Section 58-29-5 NMSA 1978 (being Laws 2000, Chapter 97, Section 7, as amended) is amended to read:

"58-29-5. CORPORATION BOARD OF DIRECTORS--APPOINTMENT--POWERS.--

A. The corporation shall be governed by the board. The corporation's board of directors shall consist of:

(1) the state treasurer or his designee;

(2) the state investment officer or his designee;

~~[(3) the president of the New Mexico bankers association or his designee;~~

~~(4) the president of the New Mexico independent community bankers association or his designee;~~

~~(5) as a non-voting member, the director of the New Mexico district of the United States small business administration or his designee]; and~~

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SCORC/HB 80

Page 2

~~[(6) four]~~ (3) six members appointed ~~[or elected as provided in this section]~~ by the governor.

B. Each director shall hold office for the length of his term in office or until a successor is appointed or elected and begins service on the board.

C. The governor shall appoint, with the consent of the senate, the ~~[initial four]~~ six public directors of the board who shall serve at the pleasure of the governor. ~~[and the full board shall then elect the president.]~~

~~D. After the governor appoints the initial four public directors of the board, those directors shall determine by lot their initial terms, which shall be two directors for two years and two directors for four years. Thereafter, each public member director shall be appointed or elected to a four year term. At the expiration of the terms of the two initial directors whose terms are two years, the governor shall appoint one director and the board shall elect one director for full four year terms. At the expiration of the terms of the two initial directors whose terms are four years, the governor shall appoint one director and the board shall elect one director for full four year terms. Thereafter, as vacancies arise, public member directors shall be appointed or elected so that at all times two shall be appointed by the governor and two shall be elected by the board in accordance with provisions determined by the board.~~

~~E. The governor shall not remove a director he appoints unless the removal is approved by a two-thirds' vote of the members of the senate.~~

~~F.]~~ D. The governor's appointees to the board shall be public members who have general expertise in small business management, but they shall not be employed by or represent small

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SCORC/HB 80

Page 3

businesses receiving equity investments from the corporation.

~~[G.]~~ E. No two members of the board shall be employed by or represent the same company or institution.

~~[H.]~~ F. The board shall annually elect a chairman from among its members and shall elect those other officers it determines necessary for the performance of its duties.

~~[I.]~~ G. The power to set the policies and procedures for the corporation is vested in the board. The board may perform all acts necessary or appropriate to exercise that power.

~~[J.]~~ H. Public members of the board shall be reimbursed for attending meetings of the board as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

~~[K.]~~ I. Public members of the board are appointed public officials of the state while carrying out their duties and activities under the Small Business Investment Act. The directors and the employees of the corporation are not liable personally, either jointly or severally, for any debt or obligation created or incurred by the corporation or for any act performed or obligation entered into in an official capacity when done in good faith, without intent to defraud and in connection with the administration, management or conduct of the corporation or affairs relating to it.

~~[L.]~~ J. The board shall conduct an annual audit of the books of accounts, funds and securities of the corporation to be made by a competent and independent firm of certified public accountants. A copy of the audit report shall be filed with the president. The audit shall be open to the public for inspection. "".

2. Renumber the succeeding sections accordingly.

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SCORC/HB 80

Page 4

3. On page 18, strike Subsection A in its entirety.
4. Reletter the succeeding subsections accordingly.
5. On page 19, strike line 2 in its entirety and on line 3, strike "section".
6. On page 19, strike line 14 in its entirety and on line 15, strike "section".,

and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Roman M. Maes, III, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against
Yes: 5
No: 0
Excused: Cravens, Ingle, Robinson, Snyder
Absent: None

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