

FORTY-SEVENTH LEGISLATURE
SECOND SESSION

February 12, 2006

SENATE FLOOR AMENDMENT number 1 to HOUSE JUDICIARY COMMITTEE
SUBSTITUTE FOR HOUSE BILL
180, as amended

Amendment sponsored by Senator

1. On page 1, line 13, after "CONTRACTS" insert "; PROHIBITING CONTRIBUTIONS TO AND OTHER EXCHANGES OF THINGS OF VALUE BETWEEN CERTAIN PARTIES INVOLVED IN THE INVESTMENT OF PUBLIC FUNDS; PROVIDING PENALTIES".

2. On page 9, between lines 4 and 5, insert the following new section:

"Section 10. [NEW MATERIAL] PUBLIC OFFICERS AND EMPLOYEES--
PROHIBITED
ACTS--PENALTIES.--

A. For the purposes of this section:

(1) "anything of value" does not include:

(a) the cost of refreshments totaling no more than twenty-five dollars (\$25.00) per day or refreshments at a public reception or other public social function that are available to all guests equally; or

(b) things of value a person is otherwise legally entitled to receive;

(2) "investment agent" means a person that receives, or the person's officers, employees or agents that receive, compensation for providing financial services involving public money or that invest or provide advice on the investment of public money;

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(3) "person" means an individual, corporation, firm, partnership, association, joint venture or similar legal entity; and

(4) "state agent" means a person who is acting in an official capacity and:

(a) is the governor, lieutenant governor, state treasurer, state auditor, secretary of state, attorney general or commissioner of public lands or a state legislator;

(b) has authority over the investment of public funds or issuance of bonds, or has the authority to appoint public officers who have that authority, and who has been elected to, appointed to or hired by any state office and who receives compensation in the form of a salary or is eligible for per diem and mileage as provided in the Per Diem and Mileage Act; or

(c) is an agent of an office created by state law that invests public funds or issues bonds, the revenue of which is used for public projects in the state.

B. It is unlawful for a state agent or a candidate who seeks election to the office of a state agent or anyone who solicits funds on the candidate's behalf to knowingly solicit or accept, directly or indirectly, anything of value from an investment agent doing business with a state agent.

C. It is unlawful for an investment agent doing business with a state agent to, directly or indirectly, donate or contribute anything of value to:

(1) a candidate for an office of a state agent or the candidate's campaign; or

(2) a state agent who is, directly or indirectly, involved in the investment of public funds or the issuance of bonds,

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the revenue of which is used for public projects in the state.

D. If an investment agent has contributed anything of value to, has solicited any person or political action committee to make a contribution to or has coordinated any contribution to a successful candidate for an office of a state agent that has authority over the investment of public funds or issuance of bonds, or that has the authority to appoint public officers who have that authority, the investment agent shall not conduct business with the state or its political subdivisions that involves the investment of public funds or issuance of bonds for any state agent for two years following the election of that candidate.

E. It is unlawful for a state agent to solicit any investment agent to:

- (1) appoint a person to a position of employment; or
- (2) hire a person on contract in any capacity.

F. A person who knowingly violates a provision of this section is guilty of a fourth degree felony and shall be punished by a fine of not more than ten thousand dollars (\$10,000) or by imprisonment for a definite term not to exceed eighteen months or both. Nothing in this section shall preclude criminal or civil prosecution for violations of other provisions of law set forth in the constitution of New Mexico or by statute.

G. The state or any political subdivision of the state shall not contract for any financial services with an investment agent who is found guilty of violating a provision of this section for a period of five years from the date of conviction.

H. A person who is convicted of violating a provision of this section is disqualified from employment by the state or any of its political subdivisions."

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Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____