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HOUSE BILL 553

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Larry A. Larrañaga

AN ACT

RELATING TO GOVERNMENTAL CONDUCT; PROHIBITING A PUBLIC OFFICER,  
EMPLOYEE OR AGENT FROM SOLICITING A PERSON TO MAKE A  
CONTRIBUTION AS A CONDITION FOR DOING BUSINESS WITH THE STATE  
OR A POLITICAL SUBDIVISION OF THE STATE; REQUIRING PERSONS TO  
REPORT CONTRIBUTIONS SOLICITED BY A PUBLIC OFFICER, EMPLOYEE OR  
AGENT; PROVIDING FOR PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. UNLAWFUL CONTRIBUTIONS--PENALTY.--

A. A public officer or employee, or an agent of  
either, shall not directly or indirectly solicit a person to  
make a contribution to another person as a condition for doing  
business with the state or a political subdivision of the  
state.

B. A person who is solicited to make a contribution

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1 to another person as a condition for doing business with the  
2 state or a political subdivision of the state shall report any  
3 contribution solicited by a state officer or employee, or an  
4 agent of either. The report shall be made to the attorney  
5 general within thirty days of the contribution and shall  
6 contain the following information:

7 (1) the name of the person soliciting the  
8 contribution and date the solicitation was made;

9 (2) the name and address of the person that  
10 received the contribution; and

11 (3) the amount of the contribution.

12 C. A person who violates the provisions of  
13 Subsection A or B of this section when the amount of the  
14 solicited contribution is one hundred dollars (\$100) or less is  
15 guilty of a misdemeanor and upon conviction shall be sentenced  
16 pursuant to the provisions of Section 31-19-1 NMSA 1978.

17 D. A person who violates the provisions of  
18 Subsection A or B of this section when the amount of the  
19 solicited contribution is greater than one hundred dollars  
20 (\$100) is guilty of a fourth degree felony and upon a  
21 conviction shall be sentenced pursuant to the provisions of  
22 Section 31-18-15 NMSA 1978.

23 E. As used in this section:

24 (1) "doing business with" means entering into  
25 an agreement to provide goods or services or to purchase, sell

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1 or lease an interest in property;

2 (2) "person" means an individual or legal  
3 entity; and

4 (3) "public officer or employee" means any  
5 person who has been elected to, appointed to or hired for any  
6 state office or office of a political subdivision of the state  
7 and who receives compensation in the form of salary or is  
8 eligible for per diem or mileage.

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