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HOUSE BILL 386

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DANICE PICRAUX

AN ACT

RELATING TO POST-SECONDARY EDUCATION; AMENDING CERTAIN SECTIONS OF THE NMSA 1978 PERTAINING TO PROHIBITED TRANSACTIONS WITH STATE EDUCATIONAL INSTITUTIONS.

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

Section 1. Section 21-1-17 NMSA 1978 (being Laws 1889, Chapter 138, Section 68, as amended) is amended to read:

"21-1-17. INTEREST IN CONTRACTS BY BOARD MEMBERS OR EMPLOYEES PROHIBITED. -- No employee or member of a board of regents of any state educational institution shall have any direct or indirect financial interest in any contract for building or improving any of that state educational institution or for the furnishing of supplies or services to that institution except as permitted pursuant to the University Research Park Act; provided that an employee may have such an

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1 interest if the contract or transaction is in all respects
2 consistent with the Governmental Conduct Act and is awarded
3 pursuant to the Procurement Code. "

4 Section 2. Section 21-1-35 NMSA 1978 (being Laws 1923,
5 Chapter 148, Section 1415, as amended) is amended to read:

6 "21-1-35. SALES BY BOARDS, OFFICERS OR EMPLOYEES
7 PROHIBITED--PARTIES TO CONTRACTS RECEIVING COMMISSION OR
8 PROFIT--PENALTY.--No board of regents of a state educational
9 institution, no member of a board and no school official or
10 teacher, either directly or indirectly, shall sell to any state
11 educational institution that he is connected with by reason of
12 being a member of a board of regents of a state educational
13 institution or to any school official or teacher, any school
14 books, school furniture, equipment, apparatus or any other kind
15 of school supplies, sell property insurance or life insurance to
16 any employee of that state educational institution or do any
17 work under contract, nor shall any such board or members thereof
18 or school officers or teachers receive any commission or profit
19 on account thereof, and all such persons are prohibited from
20 being parties directly or indirectly to any such contract or
21 transaction; provided that the provisions of this section shall
22 not apply to contracts entered into pursuant to the provisions
23 of the University Research Park Act nor to contracts or
24 transactions in which employees have an interest if the contract
25 or transaction is in all respects consistent with the

. 114363. 1

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1 Governmental Conduct Act and is awarded pursuant to the
2 Procurement Code. Any person violating the provisions of this
3 section shall be fined not exceeding one thousand dollars
4 (\$1,000) or imprisoned not exceeding one year [~~in the~~
5 ~~penitentiary of New Mexico~~] or be fined and imprisoned as set
6 forth in this section in the discretion of the court."

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

February 27, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 396, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Max Coll, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Abeyta, Buffett, Marquardt, Saavedra, Taylor, J. P.

Absent: None

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