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FISCAL IMPACT REPORT

ORIGINAL DATE 2/6/2006

SPONSOR Bratton LAST UPDATED _____ HB 582

SHORT TITLE Public Official Contribution Solicitation SB _____

ANALYST McOlash

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	None		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

General Services Department (GSD)
 Administrative Office of the Courts (AOC)
 Corrections Department (CD)
 Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

House Bill 582 makes it unlawful for any public officer/employee (or an agent) to directly or indirectly solicit a person to contribute to another person as a condition of doing business with the state or political subdivision of the state. The person who was solicited shall report it to the AGO within 30 days and provide the: (a) name of solicitor; (b) date of action; (c) name and address of the person who received the contribution; and (d) amount of the contribution.

The bill defines the following terms:

- “doing business with”
- “person”
- “public officer or employee”

A person who knowingly violates this bill is subject to a fourth degree felony.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

House Bill 582 requires a person solicited to report a contribution solicited within 30 days of the contribution.

The bill does not contain a definition of “agent” nor does it refer to any existing statutory definition. In addition, it does not contain a definition of “indirectly solicit”.

POSSIBLE QUESTIONS

Does it make sense to require a person to report a solicitation within 30 days of the solicitation rather than the within 30 days of a contribution? Alternatively, is it necessary that an actual contribution be made in order to establish evidence of the solicitation?

Is it a fourth degree felony both to solicit and to fail to report a solicited contribution?

Should this bill be an amendment to the existing Governmental Conduct Act, NMSA 1978, Section 10-16-1 et seq?

Is the act of making a contribution a necessary element of the crime?

Does the bill prohibit a person from soliciting another person to contribute to the solicitor?

BMC/mt