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HOUSE BILL 446

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Gail C. Beam

AN ACT

RELATING TO POST-SECONDARY EDUCATIONAL INSTITUTIONS; AMENDING
SECTIONS OF THE NMSA 1978 TO PROVIDE EXCEPTIONS TO EMPLOYEE
INTERESTS IN CONTRACTS.

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 and unless it complies with

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1 provisions of the Governmental Conduct Act and the Procurement
2 Code. "

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

5 "21-1-35. SALES BY BOARDS, OFFICERS OR EMPLOYEES
6 PROHIBITED--PARTIES TO CONTRACTS RECEIVING COMMISSION OR
7 PROFIT--PENALTY.--No board of regents of a state educational
8 institution, no member of a board and no school official or
9 teacher, either directly or indirectly, shall sell to any
10 state educational institution that he is connected with by
11 reason of being a member of a board of regents of a state
12 educational institution or to any school official or teacher,
13 any school books, school furniture, equipment, apparatus or
14 any other kind of school supplies, sell property insurance or
15 life insurance to any employee of that state educational
16 institution or do any work under contract, nor shall any such
17 board or members thereof or school officers or teachers
18 receive any commission or profit on account thereof, and all
19 such persons are prohibited from being parties directly or
20 indirectly to any such contract or transaction; provided that
21 the provisions of this section shall not apply to contracts
22 entered into pursuant to the provisions of the University
23 Research Park Act and that comply with provisions of the
24 Governmental Conduct Act and the Procurement Code. Any person
25 violating the provisions of this section shall be fined not

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1 exceeding one thousand dollars (\$1,000) or imprisoned not
2 exceeding one year in the penitentiary of New Mexico or be
3 fined and imprisoned as set forth in this section in the
4 discretion of the court. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 24, 1999

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8 Mr. Speaker:

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10 Your EDUCATION COMMITTEE, to whom has been referred

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12 HOUSE BILL 446

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

- 16
17 1. On page 1, line 25, strike "and" and insert "or".
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19 2. On page 2, line 23, strike "and" and insert "or".
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Page 5

Respectfully submitted,

Rick Mi era, Chai rman

Adopted _____

Not Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Beam, Begaye, Burpo, Dana, Marquardt, Stapleton, Wright

Absent: None

J: \99BillsWP\H0446

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FIRST SESSION, 1999

1 HEC/HB 446

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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March 14, 1999

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Mr. President:

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Your JUDICIARY COMMITTEE, to whom has been referred

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HOUSE BILL 446, as amended

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

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Respectfully submitted,

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Michael S. Sanchez, Chairman

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

1 HEC/HB 446

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Adopted _____ Not

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Adopted _____

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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 5 For 0 Against

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Yes: 5

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No: None

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Excused: Aragon, Davis, Lopez

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Absent: None

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