

FORTY-FIFTH LEGISLATURE
FIRST SESSION, 2001

February 27, 2001

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 520

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

1. On page 2, between lines 14 and 15, insert the following sections:

"Section 2. Section 10-11-130.1 NMSA 1978 (being Laws 1999, Chapter 153, Section 1) is amended to read:

"10-11-130.1. RESTRICTIONS ON RECEIPT OF GIFTS--RESTRICTION ON CAMPAIGN CONTRIBUTIONS--REQUIRED REPORTING. --

A. Except for gifts of food or beverage given in a place of public accommodation, consumed at the time of receipt, not exceeding fifty dollars (\$50.00) for a single gift and the aggregate value of which gifts may not exceed one hundred fifty dollars (\$150) in a calendar year, neither a retirement board member nor an employee of the retirement board or association shall receive or accept anything of value directly or indirectly from a person who:

(1) has a current contract with the retirement board or association;

(2) is a potential bidder, offeror or contractor for the provision of services or personal property to the retirement board or association;

(3) is authorized to invest public funds pursuant to state or federal law or is an employee or agent of such a person; or

(4) is an organization, association or other entity having a membership that includes persons described in Paragraphs (1) through (3) of this subsection.

B. No person who is a candidate in a primary or general election for a position that qualifies the person for ex-officio

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membership on the retirement board, no member serving ex officio on the retirement board and no person who is a nominee for retirement board membership by election by some or all of the members of the association pursuant to the Public Employees Retirement Act shall accept anything of a value of more than twenty-five dollars (\$25.00) as a contribution to an ex-officio member's statewide campaign in a primary or general election or as a contribution to the campaign of a nominee for membership on the board as a member elected by all or some of the members of the association from a person who:

(1) has a current contract with the retirement board or association;

(2) is a potential bidder, offeror or contractor for the provision of services or personal property to the retirement board or association;

(3) is authorized to invest public funds pursuant to state or federal law or is an employee or agent of such a person; or

(4) is an organization, association or other entity having a membership that includes persons described in Paragraphs (1) through (3) of this subsection.

C. Within ten days after an election in which one or more board members are elected by some or all of the members of the association pursuant to the Public Employees Retirement Act, all persons who were candidates for board membership in that election shall file with the association a report disclosing all contributions to their respective campaigns whether made directly to the candidate, a political action committee or to some other entity supporting the candidate's election. The contributions shall be reported by amount and specific source. Within sixty days after the election, the association shall publish the reports required by this subsection.

D. Subsection A of this section does not apply to:

(1) travel costs and food and beverage associated with due diligence visits in carrying out the retirement board member's or employee's fiduciary duty; or

(2) an occasional gift that is insignificant in value."

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Section 3. Section 22-11-5.1 NMSA 1978 (being Laws 1999, Chapter 153, Section 2) is amended to read:

"22-11-5.1. RESTRICTIONS ON RECEIPT OF GIFTS-- [~~RESTRICTION ON CAMPAIGN CONTRIBUTIONS~~] REQUIRED REPORTING. --

A. Except for gifts of food or beverage given in a place of public accommodation, consumed at the time of receipt, not exceeding fifty dollars (\$50.00) for a single gift and the aggregate value of which gifts may not exceed one hundred fifty dollars (\$150) in a calendar year, neither a board member nor an employee of the board shall receive or accept anything of value directly or indirectly from a person who:

(1) has a current contract with the retirement board or association;

(2) is a potential bidder, offeror or contractor for the provision of services or personal property to the [~~retirement~~] board or [~~association~~] director;

(3) is authorized to invest public funds pursuant to state or federal law or is an employee or agent of such a person; or

(4) is an organization, association or other entity having a membership that includes persons described in Paragraphs (1) through (3) of this subsection.

B. This section does not apply to:

(1) travel costs and food and beverage associated with due diligence visits in carrying out the board member's or employee's fiduciary duty; or

(2) an occasional gift that is insignificant in value."

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Respectfully submitted,

Max Coll, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 14 For 0 Against

Yes: 14

Excused: King, Larrañaga, Marquardt, Watchman

Absent: None

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