

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date January 29, 2015
Bill No: SB 262-305

Sponsor: Senator Jacob Candelaria
Short NMFA Conflict of Interest
Title: Provision Changes

Agency Code: Attorney General's Office
Person Writing Sally Malavé
Phone: (505)827-6031 **Email** smalave@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis: Senate Bill 262 amends Section 6-21-24 of the New Mexico Finance Authority Act, NMSA 1978, Sections 6-21-1 to -31 (1992 and as amended), relating to conflict of interests, to require a member, officer or employee of the New Mexico Finance Authority (“NMFA”) who “has an interest in a business that represents a client that has or is seeking such a contract” to which NMFA is a party to disclose that interest to NMFA in writing. Upon making such a disclosure, the member, officer or employee would be precluded from participating in any action by the NMFA with respect to such a contract.

Senate Bill 262 also seeks to amend Section 10-16-13.2 of the Governmental Conduct Act, NMSA 1978, Sections 10-16-1 to -18 (1993 and as amended), related to certain business sales and transactions, expands the scope of the prohibition of a public officer or employee from receiving a commission or profit from the sale or transaction to a person over whom the public officer or employee has regulatory authority to include those transactions involving “the public officer’s or employee’s family or a business in which the public officer or employee has substantial interest.”

FISCAL IMPLICATIONS There appear to be no fiscal implications to this office.

SIGNIFICANT ISSUES

1. Whether to expand the NMFA Conflict of Interest provision in current law to ensure that it covers an interest an NMFA member, officer or employee has in a business that represents a client that has or seeks to do business with the NMFA.
2. Whether to amend the Governmental Conduct Act so that it covers commissions or profits that a public officer or employee may have either directly or indirectly through a family member or substantial business interest.

PERFORMANCE IMPLICATIONS There appear to be no performance implications to this office.

ADMINISTRATIVE IMPLICATIONS There appear to be no administrative implications to this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP None at this time.

TECHNICAL ISSUES None.

OTHER SUBSTANTIVE ISSUES None.

ALTERNATIVES None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status quo. An NMFA member, officer or employee would not be required to disclose an interest in a business that represents a client has or is seeking a contract to which NMFA is a party, nor would the member, officer or employee be precluded from participating in any action by the NMFA with respect to such a contract.

AMENDMENTS