



## Attorney General of New Mexico

**HECTOR H. BALDERAS**  
Attorney General

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August 10, 2015

The Honorable Carroll H. Leavell  
New Mexico State Senator  
New Mexico Senate  
P.O. Drawer D  
Jal, New Mexico 88252

The Honorable Gay G. Kernan  
New Mexico State Senator  
New Mexico Senate  
928 W. Mesa Verde  
Hobbs, New Mexico 88240

**Re: "Bona fide educational programs" under the Gift Act**

Dear Senators Leavell and Kernan:

You requested our advice regarding the application of the "bona fide educational programs" exception under the Gift Act, NMSA 1978, Sections 10-16B-1 to -4 (2007). Specifically, your "request is based on the desire of Louisiana Energy Services, LLC, ("LES") and its plant, URENCO USA, to provide educational programs for members of the New Mexico Legislature regarding URENCO USA's facility and operations in Eunice, New Mexico."

In your request, you referenced a previous Attorney General advisory letter that addressed the same issue under similar facts. See Att'y Gen. Advisory Letter to Representatives Gray and Tyler, New Mexico House of Representatives, from Attorney General Gary King and Assistant Attorney General Zachary Shandler (Jun. 5, 2007) (copy enclosed for your reference). The previous letter addressed a request by legislators that, like the current request, dealt with the Gift Act's "bona fide educational program" exception as it applied to a proposed site visit to a uranium enrichment plant owned by LES. The primary difference between the earlier and current requests is that the plant addressed in the first request was located in the Netherlands and the current proposed trip would be to the plant in Eunice, New Mexico.

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The Gift Act has not been amended since 2007. Consequently, we believe that the conclusions reached in the previous advisory letter still apply to the issues raised in your request. Now, as then, the proposed programs at the plant will meet the “bona fide educational program” exception to the Gift Act if the elements of the exception are met. Specifically, LES may pay the legislators’ “reasonable expenses” for a “bona fide educational program” that are “directly related” to the legislators’ official duties. See NMSA 1978, § 10-16B-2(B)(9) (2007). As stated in the 2007 advisory letter, whether the proposed visit and programs at the Eunice plant are covered by the exception is “in the first instance for you to determine using your own good judgment.”

If you have any questions about this letter or if we may be of further assistance, please let us know.

Sincerely,



CAROLINE MANIERRE  
Assistant Attorney General

Enclos.