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HOUSE BILL 257

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO ELECTIONS; PROHIBITING CERTAIN CONTRIBUTIONS BY THE
PRINCIPALS OF STATE CONTRACTORS AND PROSPECTIVE STATE
CONTRACTORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Campaign Reporting Act is
enacted to read:

"[NEW MATERIAL] PRINCIPALS OF STATE CONTRACTORS AND
PROSPECTIVE STATE CONTRACTORS--PROHIBITED CONTRIBUTIONS.--

A. A principal of a prospective state contractor
shall not make a contribution to, or bundle contributions or
sponsor or host a fundraiser for the benefit of, a candidate
for a state public office that has administrative authority
over a state agency that is soliciting a contract to which the
prospective state contractor responds.

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1 B. During the term of the contract, a principal of
2 a state contractor shall not make a contribution to, or bundle
3 contributions or sponsor or host a fundraiser for the benefit
4 of, a candidate for a state public office that has
5 administrative authority over a state agency that has a state
6 contract with that state contractor.

7 C. The provisions of this section do not restrict a
8 principal of a state contractor or prospective state contractor
9 from contributing to the principal's own campaign for state
10 public office.

11 D. The provisions of this section supplement, and
12 do not limit, the provisions of other statutes or agency rules
13 that may further limit contributions from a principal of a
14 state contractor or prospective state contractor."

15 **SECTION 2.** A new section of the Campaign Reporting Act is
16 enacted to read:

17 "[NEW MATERIAL] **ADDITIONAL DEFINITIONS.**--As used in the
18 Campaign Reporting Act:

19 A. "principal of a state contractor or prospective
20 state contractor" means, in addition to the state contractor or
21 prospective state contractor itself:

22 (1) a person who is a member of the board of
23 directors of, or has an ownership interest in, a state
24 contractor or prospective state contractor, except for a person
25 who owns less than five percent of the shares of a state

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1 contractor or prospective state contractor that is a publicly
2 traded corporation;

3 (2) a person who is employed as the chief
4 executive officer, president or equivalent top management
5 position of a state contractor or prospective state contractor;

6 (3) an agent seeking a state contract for a
7 state contractor or prospective state contractor;

8 (4) the spouse or a dependent child of a
9 person described in Paragraphs (1) through (3) of this
10 subsection; or

11 (5) a political committee established by or on
12 behalf of a person described in this subsection;

13 B. "prospective state contractor" means a person
14 that responds to a solicitation for or seeks a state contract
15 until the contract has been entered into or the solicitation
16 canceled; but "prospective state contractor" does not include
17 the state or a political subdivision of the state or any full-
18 time or part-time employee of the state or a political
19 subdivision of the state in that person's capacity as an
20 employee of the state or a political subdivision of the state
21 or a health care professional providing services under a
22 medicaid provider agreement;

23 C. "state agency" means an office, department,
24 board, council, commission, institution or other administrative
25 division within a state public office;

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1 D. "state contract" means an agreement or
2 transaction with a state agency having a value of sixty
3 thousand dollars (\$60,000) or more or a combination or series
4 of such agreements or transactions having a value of sixty
5 thousand dollars (\$60,000) or more in a fiscal year for:

- 6 (1) the rendition of services, including
7 professional services and financial services;
- 8 (2) the furnishing of any material, supplies
9 or equipment;
- 10 (3) the construction, alteration or repair of
11 any public building or public work;
- 12 (4) the acquisition, sale or lease of any
13 land, building or other state resources;
- 14 (5) a licensing arrangement;
- 15 (6) a loan or loan guarantee; or
- 16 (7) the purchase or sale of financial
17 securities or instruments or the investment of public money;

18 E. "state contractor" means a person that enters
19 into a state contract, which person shall be deemed to be a
20 state contractor until the termination of the contract; but
21 "state contractor" does not include the state or a political
22 subdivision of the state or any full-time or part-time employee
23 of the state or a political subdivision of the state in that
24 person's capacity as an employee of the state or political
25 subdivision of the state or a health care professional

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1 providing services under a medicaid provider agreement; and

2 F. "state public office" means the office of
3 governor, lieutenant governor, attorney general, state
4 treasurer, state auditor, secretary of state, commissioner of
5 public lands or public regulation commissioner."

6 SECTION 3. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2015.

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