

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
Prepared: 2/2/15
Bill No: HB257

Sponsor:

Rep. Miguel P. Garcia

Agency Code: Attorney General's Office

Short Title:

Election Contributions by
Certain Contractors

Person Writing
fsdfs Analysis: Peggy Jeffers, AAG

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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:

HB 257 adds a new section to the Campaign Reporting Act that would prohibit principals of prospective state contractors from making contributions to or hosting fundraisers for the benefit of candidates for state offices that have administrative authority over state agencies that are soliciting contracts to which the prospective state contractor responds. It also would prohibit principals of current contractors from making contributions to or sponsoring fundraisers for candidates for state offices that have administrative authority over state agencies with which the contractor has an existing contract.

FISCAL IMPLICATIONS

There are no fiscal implications for this office.

SIGNIFICANT ISSUES

N/A.

PERFORMANCE IMPLICATIONS

There are no performance implications for this office.

ADMINISTRATIVE IMPLICATIONS

There are no administrative implications for this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

Since the wording of the bill refers to a solicitation for a contract to which the prospective contractor “responds,” there is ambiguity as to whether the provisions of this bill pertain to a situation where a potential contractor intends to respond to the solicitation but has not yet done so at the time of the campaign contribution or of hosting the fundraiser. This ambiguity could be clarified by changing the language to “has responded” or to “has responded or intends to respond.”

OTHER SUBSTANTIVE ISSUES

N/A.

ALTERNATIVES

N/A.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. Principals of prospective state contractors would not be prohibited from making campaign contributions to or hosting fundraisers for candidates for public offices that have administrative authority over a state agency that is soliciting a contract to which the prospective state contractor responds or with which the contractor has an existing contract.

AMENDMENTS

N/A.