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SENATE BILL 737

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO PROCUREMENT; LIMITING THE APPLICATION OF CAMPAIGN
DISCLOSURE LAWS TO CONTRACTS EQUAL TO OR GREATER THAN TWELVE
THOUSAND DOLLARS (\$12,000).

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

Section 1. Section 13-1-191.1 NMSA 1978 (being Laws 2006,
Chapter 81, Section 1) is amended to read:

"13-1-191.1. CAMPAIGN CONTRIBUTION DISCLOSURE AND
PROHIBITION.--

A. This section applies to prospective contractors
with the state or a local public body if the prospective
contract or proposal has a market value equal to or greater
than twelve thousand dollars (\$12,000) per year.

B. A prospective contractor subject to this section
shall disclose all campaign contributions given by the

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1 prospective contractor or a family member or representative of
2 the prospective contractor to an applicable public official of
3 the state or a local public body during the two years prior to
4 the date on which a proposal is submitted or, in the case of a
5 sole source or small purchase contract, the two years prior to
6 the date on which the contractor signs the contract, if the
7 aggregate total of contributions given by the prospective
8 contractor or a family member or representative of the
9 prospective contractor to the public official exceeds two
10 hundred fifty dollars (\$250) over the two-year period.

11 C. The disclosure shall indicate the date, the
12 amount, the nature and the purpose of the contribution. The
13 disclosure statement shall be on a form developed and made
14 available electronically by the department of finance and
15 administration to all state agencies and local public bodies.
16 The form shall be filed with the state agency or local public
17 body as part of the competitive sealed proposal, or in the case
18 of a sole source or small purchase contract, on the date on
19 which the contractor signs the contract.

20 D. A prospective contractor submitting a disclosure
21 statement pursuant to this section who has not contributed to
22 an applicable public official, whose family members have not
23 contributed to an applicable public official or whose
24 representatives have not contributed to an applicable public
25 official shall make a statement that no contribution was made.

.163604.1

1 E. No campaign contribution or other thing of value
2 shall be given by a prospective contractor or a family member
3 or representative of the prospective contractor to an
4 applicable public official or the applicable public official's
5 employees during the pendency of the procurement process or
6 during the pendency of negotiations for a sole source or small
7 purchase contract.

8 F. A solicitation or proposed award for a proposed
9 contract shall be canceled or a contract that is executed is
10 void if:

11 (1) a prospective contractor fails to submit a
12 fully completed disclosure statement pursuant to this section;
13 or

14 (2) a prospective contractor or family member
15 or representative of the prospective contractor gives a
16 campaign contribution or other thing of value to an applicable
17 public official or the applicable public official's employees
18 during the pendency of the procurement process.

19 G. As used in this section:

20 (1) "applicable public official" means a
21 person elected to an office or a person appointed to complete a
22 term of an elected office who has the authority to award or
23 influence the award of the contract for which the prospective
24 contractor is submitting a competitive sealed proposal or who
25 has the authority to negotiate a sole source or small purchase

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1 contract that may be awarded without submission of a sealed
2 competitive proposal;

3 (2) "family member" means spouse, father,
4 mother, child, father-in-law, mother-in-law, daughter-in-law or
5 son-in-law;

6 (3) "pendency of the procurement process"
7 means the time period commencing with the public notice of the
8 request for proposals and ending with the award of the contract
9 or the cancellation of the request for proposals;

10 (4) "prospective contractor" means a person
11 who is subject to the competitive sealed proposal process set
12 forth in the Procurement Code or is not required to submit a
13 competitive sealed proposal because that person qualifies for a
14 sole source or small purchase contract; and

15 (5) "representative of the prospective
16 contractor" means an officer or director of a corporation, a
17 member or manager of a limited liability corporation, a partner
18 of a partnership or a trustee of a trust of the prospective
19 contractor."