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HOUSE BILL 160

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Dani el Fol ey

AN ACT

RELATING TO EDUCATION; PROHIBITING REGIONAL EDUCATION  
COOPERATIVES FROM UNDERTAKING CONSTRUCTION PROJECTS; REQUIRING  
A REGIONAL EDUCATION COOPERATIVE TO USE THE STATE PURCHASING  
AGENT FOR PROCUREMENT.

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

Section 1. Section 13-1-99 NMSA 1978 (being Laws 1984,  
Chapter 65, Section 72, as amended) is amended to read:

"13-1-99. EXCLUDED FROM CENTRAL PURCHASING THROUGH THE  
STATE PURCHASING AGENT. -- Excluded from the requirement of  
procurement through the state purchasing agent but not from  
the requirements of the Procurement Code are the following:

- A. procurement of professional services;
- B. small purchases having a value not exceeding

one thousand five hundred dollars (\$1,500);

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- 1 C. emergency procurement;
- 2 D. procurement of highway construction or  
3 reconstruction by the state highway and transportation  
4 department;
- 5 E. procurement by the judicial branch of state  
6 government;
- 7 F. procurement by the legislative branch of state  
8 government;
- 9 G. procurement by the boards of regents of state  
10 educational institutions named in Article 12, Section 11 of  
11 the constitution of New Mexico;
- 12 H. procurement by the state fair commission of  
13 tangible personal property, services and construction under  
14 five thousand dollars (\$5,000);
- 15 I. purchases from the instructional material fund;
- 16 J. procurement by all local public bodies;
- 17 [~~K.~~ procurement by regional education  
18 cooperatives;
- 19 ~~L.~~ K. procurement by charter schools; and
- 20 [~~M.~~ L. procurement by each state health care  
21 institution that provides direct patient care and that is, or  
22 a part of which is, medicaid certified and participating in  
23 the New Mexico medicaid program "

24 Section 2. Section 22-2B-5 NMSA 1978 (being Laws 1993,  
25 Chapter 232, Section 5) is amended to read:

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1 "22-2B-5. REGIONAL EDUCATION COORDINATING COUNCILS--  
2 DUTIES. --

3 A. Each council shall oversee the function and  
4 operation of a cooperative. At the direction of the council,  
5 the cooperative shall provide:

6 (1) education-related services to all  
7 entities participating in the cooperative;

8 (2) technical assistance and staff  
9 development opportunities to all entities participating in the  
10 cooperative;

11 (3) cooperative purchasing capabilities and  
12 fiscal management opportunities to all entities participating  
13 in the cooperative; ~~[or]~~ and

14 (4) such additional services to participating  
15 entities as may be determined by the council to be  
16 appropriate.

17 B. Pursuant to regulation of the state board, each  
18 council shall:

19 (1) adopt a budget and administrative  
20 guidelines as necessary to carry out the purposes of the  
21 cooperative; and

22 (2) hire an executive director and necessary  
23 additional staff.

24 C. Notwithstanding the provisions of Paragraph (4)  
25 of Subsection A of this section, a council is prohibited from

1 engaging in or contracting for construction projects."

2 Section 3. EFFECTIVE DATE. --The effective date of the  
3 provisions of this act is July 1, 2002.

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