

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number: HB 161a**

**51st Legislature, 2nd Session, 2014**

**Tracking Number: .195367.2**

**Short Title: School Chief Procurement Officer Definition**

**Sponsor(s): Representatives Dennis J. Roch and Bob Wooley and Others**

**Analyst: Ian Kleats**

**Date: February 17, 2014**

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**AS AMENDED**

**The House Floor Amendment to HB 161 provides that the definition of “chief procurement officer” for state-chartered charter schools also applies to locally chartered charter schools, which addresses technical issues raised by the Public Education Department bill analysis.**

**Bill Summary:**

HB 161 amends the *Procurement Code* to clarify that the “chief procurement officer” definition includes the:

- superintendent, chief finance officer, or chief business officer in a school district; and
- school leader, chief finance officer, or chief business officer in a state-chartered charter school.

Because HB 161 does not contain an effective date, if enacted, its provisions would go into effect May 21, 2014.

**Fiscal Impact:**

HB 161 does not contain an appropriation.

**Substantive Issues:**

Provisions of Laws 2013, Chapter 70 amended the *Procurement Code* to include a definition for “chief procurement officer,” provide for the training and certification of chief procurement officers, and require that, beginning July 1, 2015, only certified chief procurement officers may:

1. make determinations pursuant to the *Procurement Code*;
2. issue purchase orders and authorize small purchases; and
3. approve procurement.

HB 161 clarifies that certain school district and charter school personnel qualify as a chief procurement officer. Training and certification requirements would still apply to those personnel if they are to serve as chief procurement officer.

**Technical Issues:**

The Public Education Department bill analysis notes:

“HB-161 pertains to school districts and state charter schools only. While locally chartered charter schools are component units of their charting authority, daily purchasing activities are undertaken at individual schools without seeking permission from the district. The Legislature may wish to consider extending these provisions to all charter schools.

In the case of Albuquerque with a substantial number of locally chartered schools, the responsibility for procurement oversight would fall to the chief procurement officer at APS, which may be a burdensome task and not achievable within existing resources.”

**Committee Referrals:**

HRC/HEC/SEC/SPAC

**Related Bills:**

HB 46 *Professional Services Procurement*