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## FISCAL IMPACT REPORT



SPONSOR: Burpo DATE TYPED: 02/11/02 HB HJM 77/a HEC

SHORT TITLE: Procurement Code Compliance SB \_\_\_\_\_

ANALYST: J. Sandoval

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC files

#### Responses Received From

Attorney General's Office  
New Mexico State Department of Education

#### No Response

The Department of Finance and Administration

### SUMMARY

#### Synopsis of HEC Amendment

Only minor technical corrections are made that do not change or alter the intent of the memorial.

#### Synopsis of Bill

House Joint Memorial requests the Attorney General to inform school districts, regional center co-operatives, state educational institutions, other public post-secondary institutions, joint powers agreements agencies and other state and local public bodies that they are required to follow the provisions of the Procurement Code. The Attorney General is also requested to consider appropriate and meaningful penalties for violations of the Procurement Code by state or local public bodies and report its recommendation to the first session of the Forty-Sixth Legislature.

Significant Issues

According to the New Mexico State Department of Education, “The purposes of the Procurement Code are to provide for the fair and equitable treatment of all persons who want to provide goods or services to publicly funded state and local public bodies and to ensure taxpayers that their hard-earned dollars are being spent through a procurement system that safeguards integrity, fairness and value. While some purchases are exempt from the provisions of the Procurement Code, and Section 13-1-99 NMSA 1978 excludes certain named public bodies from purchasing through the state purchasing agent, it does not exempt them from the provisions of the Procurement Code.”

**FISCAL IMPLICATIONS**

There is no additional appropriation to the Office of the Attorney General to carry out this request. The Office of the Attorney General has concerns that they will not be able carry out this request without some form of additional assistance.

**ADMINISTRATIVE IMPLICATIONS**

According to the Office of the Attorney General, “It may be difficult for this agency to do much more public education, beyond what the agency currently handles, without additional appropriation. This memorial contains no appropriation. Also, in order to propose meaningful recommendations, the involvement of the General Services Department in this matter may also be necessary.”

**JFS/njw**