

LFC Requester:	Cerny, Charlene
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**AGENCY BILL ANALYSIS
2014 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 X **Amendment**
Correction **Substitute**

Date January 15, 2014
Bill No: HB46-305 Jan 15

Sponsor: Rep. Larry A. Larrañaga **Reviewing** Attorney General's Office
Short Professional Services **Person Writing** Jennifer Salazar, AAG
Title: Procurement **Phone:** 827-6990 **Email** jsalazar@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis:

HB 46 proposes to amend Section 13-1-98 of the Procurement Code, NMSA 1978, Sections 13-1-28 to -199, which outlines exemptions to the Procurement Code. Specifically, the proposed language amends the exemption for home-rule municipalities found in Section 13-1-98(K) and would require home-rule municipalities to follow Sections 13-1-120 through 13-1-124 of the Procurement Code when contracting for public works projects and construction management contracts. HB 46 also proposes to amend Section 13-1-119 of the Procurement Code to require home-rule municipalities to comply with Sections 13-1-120 through 13-1-124 of the Procurement Code when contracting with architects, landscape architects, engineers and surveyors.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

None for the AGO.

SIGNIFICANT LEGAL ISSUES

This statutory change would preempt any municipal enactment contrary to this amendment. The change would also require home-rule municipalities that do not currently follow the procurement process enumerated under Sections 13-1-120 through 13-1-124 to change their practices. *See* N.M. CONST. art. X, § 6 (“A municipality which adopts a charter may exercise all legislative powers and perform all functions not expressly denied by general law or charter.”)

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

None for the AGO.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

None for the AGO.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION

TECHNICAL ISSUES OR DRAFTING ERROR

None.

OTHER SUBSTANTIVE LEGAL ISSUES

None.

ALTERNATIVES TO ENACTING THIS BILL

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS NEEDED TO IMPROVE THIS BILL

None.