

AN ACT

RELATING TO INSTRUCTIONAL MATERIALS; REQUIRING PUBLISHERS OF INSTRUCTIONAL MATERIALS ON THE MULTIPLE LIST TO PROVIDE INSTRUCTIONAL MATERIALS IN ELECTRONIC FORMAT FOR ELECTRONIC READERS BY THE 2013-2014 SCHOOL YEAR; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 1993.

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

SECTION 1. Section 22-15-13 NMSA 1978 (being Laws 1967, Chapter 16, Section 217, as amended by Laws 1993, Chapter 156, Section 6 and also by Laws 1993, Chapter 226, Section 44) is amended to read:

"22-15-13. CONTRACTS WITH PUBLISHERS.--

A. The department may enter into a contract with a publisher or a publisher's authorized agent for the purchase and delivery of instructional material selected from the multiple list adopted by the department.

B. Payment for instructional material purchased by the department shall be made only upon performance of the contract and the delivery and receipt of the instructional material.

C. Each publisher or publisher's authorized agent contracting with the state for the sale of instructional material shall agree:

(1) to file a copy of each item of

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instructional material to be furnished under the contract with the department with a certificate attached identifying it as an exact copy of the item of instructional material to be furnished under the contract;

(2) that the instructional material furnished pursuant to the contract shall be of the same quality in regard to paper, binding, printing, illustrations, subject matter and authorship as the copy filed with the department; and

(3) that if instructional material under the contract is sold elsewhere in the United States for a price less than that agreed upon in the contract with the state, the price to the state shall be reduced to the same amount.

D. Each contract executed for the acquisition of instructional material shall include the right of the department to transcribe and reproduce instructional material in media appropriate for the use of students with visual impairment who are unable to use instructional material in conventional print and form. Publishers of adopted textbooks also shall be required to provide those materials to the department or its designated agent in an electronic format specified by the department that is readily translatable into Braille and also can be used for large print or speech access within a time period specified by the department.

E. Beginning with instructional material for the

2013-2014 school year, publishers of instructional material on the multiple list shall be required to provide those materials in both written and electronic formats."=====