

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 1055

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO HEALTH; PROVIDING THAT THE DEPARTMENT OF HEALTH MAY CONTRACT WITH AN INDEPENDENT CONTRACTOR TO OPERATE FORT BAYARD MEDICAL CENTER OR TO PROVIDE FOR A REPLACEMENT FACILITY TO BE LOCATED IN GRANT COUNTY; PROVIDING OPTIONS FOR CURRENT EMPLOYEES AT FORT BAYARD MEDICAL CENTER; DECLARING AN EMERGENCY.

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

Section 1. A new section of the Department of Health Act, Section 9-7-6.5 NMSA 1978, is enacted to read:

"9-7-6.5. [NEW MATERIAL] AGREEMENTS FOR OPERATION OF OR CONSTRUCTION OF A REPLACEMENT FACILITY FOR FORT BAYARD MEDICAL CENTER. --

A. Notwithstanding any other provision of state law or rule, the secretary may:

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underscored material = new  
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1 (1) enter into an agreement, including an  
2 agreement with an independent contractor, to operate Fort  
3 Bayard medical center or a replacement for Fort Bayard medical  
4 center in Grant county; or

5 (2) in conjunction with the property control  
6 division of the general services department, the state land  
7 office or other appropriate state agency, enter into a lease or  
8 other long-term use agreement of not more than twenty-five  
9 years with an independent contractor or the owner of the  
10 facility for the provision and operation of a facility to be  
11 located in Grant county to replace Fort Bayard medical center.

12 B. The provisions of the Procurement Code shall not  
13 apply to the procurement of an agreement entered into by the  
14 secretary pursuant to this section.

15 C. An agreement entered into pursuant to this  
16 section shall include provisions for the continued employment  
17 of Fort Bayard medical center state employees, employed as of  
18 the effective date of the agreement, as state employees,  
19 entitled and subject to all the rights and responsibilities of  
20 state employees. Under the terms of the agreement and the  
21 overall direction of the department, the independent contractor  
22 shall provide management and supervision to state employees at  
23 Fort Bayard medical center, including the provision of work  
24 assignments, evaluations and promotional and disciplinary  
25 actions. "

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1           Section 2.   Section 13-1-98 NMSA 1978 (being Laws 1984,  
2 Chapter 65, Section 71, as amended) is amended to read:

3           "13-1-98.   EXEMPTIONS FROM THE PROCUREMENT CODE. --The  
4 provisions of the Procurement Code shall not apply to:

5           A.   procurement of items of tangible personal  
6 property or services by a state agency or a local public body  
7 from a state agency, a local public body or external  
8 procurement unit except as otherwise provided in Sections  
9 13-1-135 through 13-1-137 NMSA 1978;

10           B.   procurement of tangible personal property or  
11 services for the governor's mansion and grounds;

12           C.   printing and duplicating contracts involving  
13 materials that are required to be filed in connection with  
14 proceedings before administrative agencies or state or federal  
15 courts;

16           D.   purchases of publicly provided or publicly  
17 regulated gas, electricity, water, sewer and refuse collection  
18 services;

19           E.   purchases of books and periodicals from the  
20 publishers or copyright holders thereof;

21           F.   travel or shipping by common carrier or by  
22 private conveyance or to meals and lodging;

23           G.   purchase of livestock at auction rings or to the  
24 procurement of animals to be used for research and  
25 experimentation or exhibit;

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1           H. contracts with businesses for public school  
2 transportation services;

3           I. procurement of tangible personal property or  
4 services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978,  
5 by the corrections industries division of the corrections  
6 department pursuant to regulations adopted by the corrections  
7 commission, which shall be reviewed by the purchasing division  
8 of the general services department prior to adoption;

9           J. minor purchases not exceeding five thousand  
10 dollars (\$5,000) consisting of magazine subscriptions,  
11 conference registration fees and other similar purchases where  
12 prepayments are required;

13           K. municipalities having adopted home rule charters  
14 and having enacted their own purchasing ordinances;

15           L. the issuance, sale and delivery of public  
16 securities pursuant to the applicable authorizing statute, with  
17 the exception of bond attorneys and general financial  
18 consultants;

19           M contracts entered into by a local public body  
20 with a private independent contractor for the operation, or  
21 provision and operation, of a jail pursuant to Sections  
22 33-3-26 and 33-3-27 NMSA 1978;

23           N. contracts for maintenance of grounds and  
24 facilities at highway rest stops and other employment  
25 opportunities, excluding those intended for the direct care and

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1 support of persons with handicaps, entered into by state  
 2 agencies with private, nonprofit, independent contractors who  
 3 provide services to persons with handicaps;

4 O. contracts and expenditures for services or items  
 5 of tangible personal property to be paid or compensated by  
 6 money or other property transferred to New Mexico law  
 7 enforcement agencies by the United States department of justice  
 8 drug enforcement administration;

9 P. contracts for retirement and other benefits  
 10 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

11 Q. contracts with professional entertainers;

12 R. contracts and expenditures for litigation  
 13 expenses in connection with proceedings before administrative  
 14 agencies or state or federal courts, including experts,  
 15 mediators, court reporters, process servers and witness fees,  
 16 but not including attorney contracts;

17 S. contracts for service relating to the design,  
 18 engineering, financing, construction and acquisition of public  
 19 improvements undertaken in improvement districts pursuant to  
 20 Subsection L of Section 3-33-14.1 NMSA 1978 and in county  
 21 improvement districts pursuant to Subsection L of Section  
 22 4-55A-12.1 NMSA 1978;

23 T. works of art for museums or for display in  
 24 public buildings or places;

25 U. contracts entered into by a local public body

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1 with a person, firm, organization, corporation or association  
2 or a state educational institution named in Article 12, Section  
3 11 of the constitution of New Mexico for the operation and  
4 maintenance of a hospital pursuant to Chapter 3, Article 44  
5 NMSA 1978, lease or operation of a county hospital pursuant to  
6 the Hospital Funding Act or operation and maintenance of a  
7 hospital pursuant to the Special Hospital District Act;

8 V. purchases of advertising in all media, including  
9 radio, television, print and electronic;

10 W. purchases of promotional goods intended for  
11 resale by the tourism department; [~~and~~]

12 X. procurement by or through the public education  
13 department from the federal department of education relating to  
14 parent training and information centers designed to increase  
15 parent participation, projects and initiatives designed to  
16 improve outcomes for students with disabilities and other  
17 projects and initiatives relating to the administration of  
18 improvement strategy programs pursuant to the federal  
19 Individuals with Disabilities Education Act; provided that the  
20 exemption applies only to procurement of services not to exceed  
21 two hundred thousand dollars (\$200,000); and

22 Y. procurement of an agreement, pursuant to Section  
23 9-7-6.5 NMSA 1978, to operate Fort Bayard medical center or to  
24 provide and operate in Grant county a replacement facility for  
25 Fort Bayard medical center. "

