1	HOUSE JOINT MEMORIAL 64
2	47th legislature - STATE OF NEW MEXICO - FIRST SESSION, 2005
3	INTRODUCED BY
4	Debbie A. Rodella
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10	A JOINT MEMORIAL
11	REQUESTING THAT THE STATE PURCHASING AGENT IN THE GENERAL
12	SERVICES DEPARTMENT REVIEW THE PROCUREMENT CODE AND STATE
13	STATUTES TO DETERMINE THE ACTIONS NEEDED TO OBTAIN FOR STATE
14	AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE FORTY-FIVE
15	DAYS IN WHICH TO PAY UTILITY BILLS WITHOUT INCURRING LATE
16	CHARGES.
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18	WHEREAS, Section 13-1-158 NMSA 1978 of the Procurement
19	Code gives the state fifteen days to certify an invoice and
20	thirty days to pay an invoice after certification, giving the
21	state a total of forty-five days to pay an invoice; and
22	WHEREAS, Section 13-1-98 NMSA 1978 exempts from the forty-
23	five-day provision of the Procurement Code purchases of
24	publicly provided or publicly regulated gas, electricity,
25	water, sewer and refuse collection services; and
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WHEREAS, there does not appear to be a compelling reason for exempting the procurement of utilities by state agencies and political subdivisions of the state from the provisions of Section 13-1-158 NMSA 1978; and

WHEREAS, the exemption from the provisions of Section 13-1-158 NMSA 1978 results in state agencies and political subdivisions of the state paying substantial late payment fees on utility services received; and

WHEREAS, the payment of late payment fees is causing an 10 undue burden on the taxpayers of New Mexico;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the state purchasing agent in the general services department be requested to evaluate the means of securing the forty-five-day period for state agencies and political subdivisions to pay utility invoices without incurring late payment charges, as is provided in Section 13-1-158 NMSA 1978 for all other procurement actions; and

BE IT FURTHER RESOLVED that the state purchasing agent in the general services department report recommendations to the legislature prior to the beginning of the 2006 legislative session; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the secretary of general services.

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