

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 929

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING AN EXEMPTION TO THE PROCUREMENT CODE FOR CERTAIN
COUNTY CONTRACTS WITH NONPROFIT ORGANIZATIONS.

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

Section 1. Section 4-38-13.1 NMSA 1978 (being Laws 1984,
Chapter 43, Section 1, as amended) is amended to read:

"4-38-13.1. COUNTY EQUIPMENT AND PROPERTY--PERMITTED
USES.--

A. Notwithstanding any other provision of law, the
board of county commissioners of any county except a class A
county may contract for the use of county equipment or property
for the benefit of community ditch associations, mutual
domestic water associations or other public entities providing
services to significant groups of county residents, which

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1 services could legally be provided by a governmental entity.
2 In granting this permission, the board shall specifically
3 describe the equipment or property to be used and the entity on
4 whose behalf it will be used.

5 B. A board of county commissioners may contract
6 for the use of county buildings for the benefit of nonprofit
7 organizations demonstrating a consistent history of service
8 to sick and indigent persons in the county, which service
9 could legally be expected to be provided by a governmental
10 entity, at rates these organizations can be reasonably
11 expected to pay while maintaining their full service
12 commitment to their respective constituencies. [~~Such~~] These
13 contracts [~~must~~] shall set forth the respective value of
14 services being provided to county residents and the relative
15 value of the use of property provided by the county. A
16 contract entered into pursuant to this subsection is exempt
17 from the Procurement Code pursuant to Section 13-1-98.2 NMSA
18 1978."

19 Section 2. Section 13-1-98.2 NMSA 1978 (being Laws
20 2003, Chapter 187, Section 1) is amended to read:

21 "13-1-98.2. ADDITIONAL EXEMPTIONS FROM THE PROCUREMENT
22 CODE.--The provisions of the Procurement Code do not apply to
23 contracts entered into by a local public body with a person,
24 firm, organization, corporation, association or state
25 educational institution named in Article 12, Section 11 of
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1 the constitution of New Mexico for:

2 A. the operation and maintenance of a hospital
3 pursuant to Chapter 3, Article 44 NMSA 1978;

4 B. the lease or operation of a county hospital
5 pursuant to the Hospital Funding Act; ~~[or]~~

6 C. the operation and maintenance of a hospital
7 pursuant to the Special Hospital District Act; or

8 D. the use of county buildings pursuant to Section
9 4-38-13.1 NMSA 1978."

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