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HOUSE BILL 1092

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

EDWARD C. SANDOVAL

AN ACT

RELATING TO PUBLIC HEALTH; CREATING THE STATE PUBLIC HEALTH FACILITIES AUTHORITY AND BOARD; CREATING LOCAL HEALTH FACILITIES AUTHORITIES AND BOARDS; PROVIDING FOR THE POWERS AND DUTIES OF THE AUTHORITIES AND THE BOARDS CREATED.

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

Section 1. [NEW MATERIAL] SHORT TITLE. -- Sections 1 through 10 of this act may be cited as the "Public Health Facilities Authority Act".

Section 2. [NEW MATERIAL] PURPOSE. -- The purpose of the Public Health Facilities Authority Act is to create a statutory mechanism by which public health facilities may be operated in a competitive, less governmentally restricted environment, while maintaining a publicly responsive health care infrastructure that provides quality health care services to the citizens of

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1 New Mexico, including continued support for the indigent
2 population of the state.

3 Section 3. [NEW MATERIAL] DEFINITIONS. --As used in the
4 Public Health Facilities Authority Act:

5 A. "health facility" means a facility or entity
6 licensed by the department of health as a health facility;

7 B. "local authority" means a local public health
8 facilities authority created pursuant to the Public Health
9 Facilities Authority Act;

10 C. "local board" means a local health facilities
11 board created pursuant to the Public Health Facilities Authority
12 Act;

13 D. "public health facility" means a health facility
14 owned or operated by a state agency or institution or an agency
15 or institution of a political subdivision of the state; and

16 E. "state authority" means the public health
17 facilities authority created pursuant to the Public Health
18 Facilities Authority Act.

19 Section 4. [NEW MATERIAL] CREATION OF THE PUBLIC HEALTH
20 FACILITIES AUTHORITY. --

21 A. There is created as a public body politic and
22 corporate, separate and apart from the state, constituting a
23 governmental instrumentality to be known as the "public health
24 facilities authority". The state authority is created to
25 implement the provisions of the Public Health Facilities

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1 Authority Act consistent with the public purposes stated in
2 Section 2 of that act.

3 B. The state authority shall be governed by a board
4 of directors composed of seven members who are residents of New
5 Mexico appointed by the governor, with the advice and consent of
6 the senate. The members shall be appointed in a manner to
7 provide geographic diversity, representation of both public and
8 private interests in the state and persons with knowledge of
9 health care policy with both provider and consumer interests
10 represented.

11 C. Board members shall be appointed for five-year
12 terms. To provide for staggered terms, four of the initially
13 appointed members shall be appointed for terms of five years and
14 three of the initially appointed members shall be appointed for
15 terms of three years. Thereafter, all members shall be
16 appointed for five-year terms. A vacancy on the board shall be
17 filled by appointment by the governor for the remainder of the
18 unexpired term. A member shall serve until his replacement is
19 confirmed by the senate. Board members are eligible for
20 reappointment.

21 Section 5. [NEW MATERIAL] POWERS AND DUTIES OF THE STATE
22 AUTHORITY. --The state authority shall:

23 A. designate areas within the state that constitute
24 local areas for the purpose of creating local boards;

25 B. create local boards upon receipt of a petition

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1 meeting the following conditions:

2 (1) petitioners shall be one or more current
3 operators or owners of a health facility or health facilities to
4 be included within the board's designated local area;

5 (2) petitioners shall submit an operational,
6 business and financial plan on behalf of the health facility or
7 health facilities proposed to be included in a designated local
8 area and shall also submit proposed bylaws of the local board
9 requested to be created;

10 (3) petitioners shall present a list of
11 proposed local board members; and

12 (4) petitioners shall prepare and present a
13 plan, which states the commitment and ability of the public
14 health facility or health facilities within the designated local
15 area to deliver indigent care;

16 C. approve, after legal review and approval by the
17 attorney general the sale, transfer or lease to the local board
18 of public health facilities from local governments or health
19 facilities from private entities, including transfer by
20 exchange;

21 D. establish criteria to require public health
22 facilities to continue to deliver indigent care and remain
23 eligible for medicaid, medicare, state and local health care and
24 indigent care funds;

25 E. approve the inclusion of a public health facility

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1 owned or operated by a state agency or institution to operate as
2 part of any local authority or as part of the state authority;

3 F. establish and review policies to promote access
4 and delivery of quality health care throughout the state to
5 assure that the creation and operation of local authorities
6 facilitates competition and results in enhanced coordination,
7 accessibility, affordability and efficiency in the delivery of
8 the health care;

9 G. prepare annual reports to the governor and
10 legislature about the status and operation of the state
11 authority and local authorities; and

12 H. exercise the powers granted to local authorities
13 in the event that state-owned public health facilities are
14 operated under the auspices of the state authority.

15 Section 6. [NEW MATERIAL] LOCAL BOARDS--CREATION--
16 COMPOSITION.--

17 A. Local boards shall be created pursuant to
18 petition to and approval by the state authority within areas
19 designated by the state authority for the purpose of owning and
20 operating or leasing public health facilities.

21 B. The membership of a local board shall be
22 representative of the residents of the designated local area and
23 shall include local government officials, representatives of
24 existing health facility governing boards, health professionals,
25 members of the public, consumer advocates and other interested

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1 persons. The original members of the local board, their terms
2 and provisions for replacement of local board members shall be
3 proposed in the petition presented for approval by the state
4 authority.

5 Section 7. [NEW MATERIAL] LOCAL BOARDS-- POWERS AND
6 DUTIES.-- Local boards generally have all powers necessary and
7 convenient to carry out and effectuate the provisions of the
8 Public Health Facilities Authority Act pertaining to local
9 boards and have the power to:

- 10 A. sue and be sued;
- 11 B. purchase, lease, take, receive or otherwise
12 acquire, own, hold, use and otherwise deal in and with real or
13 personal property;
- 14 C. sell, convey, lease, pledge, exchange, transfer
15 and otherwise dispose of its assets for the consideration, terms
16 and conditions determined by the local board and in accordance
17 with applicable laws;
- 18 D. make contracts, incur liabilities and borrow
19 money at such rates of interest as may be determined by the
20 local board, but the local board has no authority to create a
21 debt that would be prohibited by law or the constitution of New
22 Mexico if created by the state or a political subdivision of the
23 state;
- 24 E. execute contracts and other instruments necessary
25 or convenient in the exercise of the powers and functions of the

- 1 local board;
- 2 F. receive and administer grants and private gifts;
- 3 G. receive funds from federal, state and local
- 4 government sources;
- 5 H. invest and reinvest its funds;
- 6 I. conduct its activities, carry out its operations
- 7 and maintain offices and facilities necessary and appropriate to
- 8 exercise its powers pursuant to the Public Health Facilities
- 9 Authority Act;
- 10 J. make and amend bylaws for the administration and
- 11 regulation of its affairs, including in those bylaws within its
- 12 discretion provisions indemnifying any person who is a local
- 13 board member, officer, employee or agent of the local board or a
- 14 public health facility under its control for liability incurred
- 15 or claimed for actions taken or not taken within the scope of
- 16 the person's duties or employment;
- 17 K. employ officers and employees, set their
- 18 compensation and describe their duties;
- 19 L. enter into agreements with insurance carriers to
- 20 insure against any loss in connection with its operations;
- 21 M. authorize retirement programs and other benefits
- 22 for its salaried officers and employees and salaried officers
- 23 and employees of a public health facility under its control; and
- 24 N. employ fiscal consultants, attorneys and other
- 25 consultants and pay compensation to the persons employed.

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1 Section 8. [NEW MATERIAL] EXEMPTIONS FROM CERTAIN LAWS. --

2 The provisions of the following laws shall not apply or shall
3 apply in only a limited manner to the state authority and its
4 board, the local authority and the local board and public health
5 facilities under their respective control or ownership:

- 6 A. the Personnel Act;
- 7 B. the Procurement Code;
- 8 C. those provisions of Section 10-15-2 NMSA 1978
9 specifically exempting certain activities of state and local
10 boards from the provisions of the Open Meetings Act;
- 11 D. those provisions of Section 14-2-9 NMSA 1978
12 specifically exempting certain records from the provisions of
13 the Inspection of Public Records Act; and
- 14 E. the Per Diem and Mileage Act.

15 Section 9. [NEW MATERIAL] ISSUANCE OF REVENUE BONDS. -- The
16 state authority and a local authority may issue negotiable
17 revenue bonds or notes or both.

18 Section 10. [NEW MATERIAL] DISSOLUTION. -- On termination
19 or dissolution of the state authority or a local authority, all
20 rights and properties of the state authority or the local
21 authority shall be transferred by action of the respective
22 authority or, in the absence of that action, automatically by
23 operation of law, to the state or the local governmental entity
24 from which they were acquired, subject to the rights of any
25 bondholders, lienholder or creditors of the respective

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1 authority.

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3 Section 11. Section 10-8-3 NMSA 1978 (being Laws 1971,
4 Chapter 116, Section 2, as amended) is amended to read:

5 "10-8-3. DEFINITIONS. --As used in the Per Diem and Mileage
6 Act:

7 A. "secretary" means the secretary of finance and
8 administration;

9 B. "employee" means any person who is in the employ
10 of any state agency, local public body or public post-secondary
11 educational institution and whose salary is paid either
12 completely or in part from public money, but does not include
13 jurors or jury commissioners;

14 C. "governing board" means the board of regents of
15 any institution designated in Article 12, Section 11 of the
16 constitution of New Mexico or designated in Chapter 21, Article
17 14 NMSA 1978, or the board of any institution designated in
18 Chapter 21, Articles 13, 16 and 17 NMSA 1978;

19 D. "local public body" means all political
20 subdivisions of the state and their agencies, instrumentalities
21 and institutions, except public post-secondary educational
22 institutions and the local authorities and local boards created
23 pursuant to the Public Health Facilities Authority Act;

24 E. "state agency" means the state or any of its
25 branches, agencies, departments, boards, instrumentalities or

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1 institutions, except public post-secondary educational
2 institutions;

3 F. "public post-secondary educational institution"
4 means any institution designated in Article 12, Section 11 of
5 the constitution of New Mexico and any institution designated in
6 Chapter 21, Articles 13, 14, 16 and 17 NMSA 1978; and

7 G. "public officer" or "public official" means every
8 elected or appointed officer of the state, local public body or
9 any public post-secondary educational institution. "Public
10 officer" includes members of advisory boards appointed by any
11 state agency, local public body or public post-secondary
12 educational institution."

13 Section 12. Section 10-9-4 NMSA 1978 (being Laws 1961,
14 Chapter 240, Section 4, as amended) is amended to read:

15 "10-9-4. COVERAGE OF SERVICE. -- The Personnel Act and the
16 service cover all state positions except:

17 A. officials elected by popular vote or appointed to
18 fill vacancies to elective offices;

19 B. members of boards and commissions and heads of
20 agencies appointed by the governor;

21 C. heads of agencies appointed by boards or
22 commissions;

23 D. directors of department divisions;

24 E. those in educational institutions and in public
25 schools;

1 F. those employed by state institutions and by state
2 agencies providing educational programs and who are required to
3 hold valid certificates as certified school instructors as
4 defined in Section 22-1-2 NMSA 1978 issued by the state board of
5 education;

6 G. those in the governor's office;

7 H. those in the state militia or the commissioned
8 officers of the New Mexico state police division of the
9 department of public safety;

10 I. those in the governmental instrumentality known
11 as the public health facilities authority created pursuant to
12 the Public Health Facilities Authority Act;

13 [~~F.~~] J. those in the judicial branch of government;

14 [~~J.~~] K. those in the legislative branch of
15 government;

16 [~~K.~~] L. not more than two assistants and one
17 secretary in the office of each official listed in Subsections
18 A, B and C of this section, excluding members of boards and
19 commissions in Subsection B of this section;

20 [~~L.~~] M. those of a professional or scientific nature
21 which are temporary in nature;

22 [~~M.~~] N. those filled by patients or inmates in
23 charitable, penal or correctional institutions;

24 [~~N.~~] O. state employees if the personnel board in
25 its discretion decides that the position is one of policymaking;

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1 and

2 [0-] P. disadvantaged youth under twenty-two years
3 of age regularly enrolled or to be enrolled in a secondary
4 educational institution approved by the state board of education
5 or in an accredited state institution of advanced learning or
6 vocational training and who are to be employed for not more than
7 seven hundred twenty hours during any calendar year:

8 (1) the term "disadvantaged youth" shall be
9 defined for purposes of this exemption by regulation duly
10 promulgated by the board; and

11 (2) the board shall:

12 (a) require that all the criteria of this
13 subsection have been met;

14 (b) establish employment lists for the
15 certification of the highest-standing candidates to the
16 prospective employers; and

17 (c) establish the pay rates for such em-
18 ployees. "

19 Section 13. Section 10-15-1 NMSA 1978 (being Laws 1974,
20 Chapter 91, Section 1, as amended) is amended to read:

21 "10-15-1. FORMATION OF PUBLIC POLICY--PROCEDURES FOR OPEN
22 MEETINGS--EXCEPTIONS AND PROCEDURES FOR CLOSED MEETINGS.--

23 A. In recognition of the fact that a representative
24 government is dependent upon an informed electorate, it is
25 declared to be public policy of this state that all persons are

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1 entitled to the greatest possible information regarding the
2 affairs of government and the official acts of those officers
3 and employees who represent them. The formation of public
4 policy or the conduct of business by vote shall not be conducted
5 in closed meeting. All meetings of any public body except the
6 legislature and the courts shall be public meetings, and all
7 persons so desiring shall be permitted to attend and listen to
8 the deliberations and proceedings. Reasonable efforts shall be
9 made to accommodate the use of audio and video recording
10 devices.

11 B. All meetings of a quorum of members of any board,
12 commission, administrative adjudicatory body or other
13 policymaking body of any state agency, any agency or authority
14 of any county, municipality, district or any political
15 subdivision, held for the purpose of formulating public policy,
16 including the development of personnel policy, rules,
17 regulations or ordinances, discussing public business or for the
18 purpose of taking any action within the authority of or the
19 delegated authority of any board, commission or other
20 policymaking body are declared to be public meetings open to the
21 public at all times, except as otherwise provided in the
22 constitution of New Mexico or the Open Meetings Act. No public
23 meeting once convened that is otherwise required to be open
24 pursuant to the Open Meetings Act shall be closed or dissolved
25 into small groups or committees for the purpose of permitting

1 the closing of the meeting.

2 C. If otherwise allowed by law or rule of the public
3 body, a member of a public body may participate in a meeting of
4 the public body by means of a conference telephone or other
5 similar communications equipment when it is otherwise difficult
6 or impossible for the member to attend the meeting in person,
7 provided that each member participating by conference telephone
8 can be identified when speaking, all participants are able to
9 hear each other at the same time and members of the public
10 attending the meeting are able to hear any member of the public
11 body who speaks during the meeting.

12 D. Any meetings at which the discussion or adoption
13 of any proposed resolution, rule, regulation or formal action
14 occurs and at which a majority or quorum of the body is in
15 attendance, and any closed meetings, shall be held only after
16 reasonable notice to the public. The affected body shall
17 determine at least annually in a public meeting what notice for
18 a public meeting is reasonable when applied to that body. That
19 notice shall include broadcast stations licensed by the federal
20 communications commission and newspapers of general circulation
21 that have provided a written request for such notice.

22 E. A public body may recess and reconvene a meeting
23 to a day subsequent to that stated in the meeting notice if,
24 prior to recessing, the public body specifies the date, time and
25 place for continuation of the meeting, and, immediately

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1 following the recessed meeting, posts notice of the date, time
2 and place for the reconvened meeting on or near the door of the
3 place where the original meeting was held and in at least one
4 other location appropriate to provide public notice of the
5 continuation of the meeting. Only matters appearing on the
6 agenda of the original meeting may be discussed at the
7 reconvened meeting.

8 F. Meeting notices shall include an agenda
9 containing a list of specific items of business to be discussed
10 or transacted at the meeting or information on how the public
11 may obtain a copy of such an agenda. Except in the case of an
12 emergency, the agenda shall be available to the public at least
13 twenty-four hours prior to the meeting. Except for emergency
14 matters, a public body shall take action only on items appearing
15 on the agenda. For purposes of this subsection, an "emergency"
16 refers to unforeseen circumstances that, if not addressed
17 immediately by the public body, will likely result in injury or
18 damage to persons or property or substantial financial loss to
19 the public body.

20 G. The board, commission or other policymaking body
21 shall keep written minutes of all its meetings. The minutes
22 shall include at a minimum the date, time and place of the
23 meeting, the names of members in attendance and those absent,
24 the substance of the proposals considered and a record of any
25 decisions and votes taken that show how each member voted. All

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1 minutes are open to public inspection. Draft minutes shall be
2 prepared within ten working days after the meeting and shall be
3 approved, amended or disapproved at the next meeting where a
4 quorum is present. Minutes shall not become official until
5 approved by the policymaking body.

6 H. The provisions of Subsections A, B and G of this
7 section do not apply to:

8 (1) meetings pertaining to issuance,
9 suspension, renewal or revocation of a license, except that a
10 hearing at which evidence is offered or rebutted shall be open.
11 All final actions on the issuance, suspension, renewal or
12 revocation of a license shall be taken at an open meeting;

13 (2) limited personnel matters; provided that
14 for purposes of the Open Meetings Act, "limited personnel
15 matters" means the discussion of hiring, promotion, demotion,
16 dismissal, assignment or resignation of or the investigation or
17 consideration of complaints or charges against any individual
18 public employee; provided further that this subsection is not to
19 be construed as to exempt final actions on personnel from being
20 taken at open public meetings, nor does it preclude an aggrieved
21 public employee from demanding a public hearing. Judicial
22 candidates interviewed by any commission shall have the right to
23 demand an open interview;

24 (3) deliberations by a public body in
25 connection with an administrative adjudicatory proceeding. For

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1 purposes of this paragraph, an "administrative adjudicatory
2 proceeding" means a proceeding brought by or against a person
3 before a public body in which individual legal rights, duties or
4 privileges are required by law to be determined by the public
5 body after an opportunity for a trial-type hearing. Except as
6 otherwise provided in this section, the actual administrative
7 adjudicatory proceeding at which evidence is offered or rebutted
8 and any final action taken as a result of the proceeding shall
9 occur in an open meeting;

10 (4) the discussion of personally identifiable
11 information about any individual student, unless the student,
12 his parent or guardian requests otherwise;

13 (5) meetings for the discussion of bargaining
14 strategy preliminary to collective bargaining negotiations
15 between the policymaking body and a bargaining unit representing
16 the employees of that policymaking body and collective
17 bargaining sessions at which the policymaking body and the
18 representatives of the collective bargaining unit are present;

19 (6) that portion of meetings at which a
20 decision concerning purchases in an amount exceeding two
21 thousand five hundred dollars (\$2,500) that can be made only
22 from one source and that portion of meetings at which the
23 contents of competitive sealed proposals solicited pursuant to
24 the Procurement Code are discussed during the contract
25 negotiation process. The actual approval of purchase of the

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1 item or final action regarding the selection of a contractor
2 shall be made in an open meeting;

3 (7) meetings subject to the attorney-client
4 privilege pertaining to threatened or pending litigation in
5 which the public body is or may become a participant;

6 (8) meetings for the discussion of the
7 purchase, acquisition or disposal of real property or water
8 rights by the public body; [and]

9 (9) those portions of meetings of committees or
10 boards of public hospitals that receive less than fifty percent
11 of their operating budget from direct public funds and
12 appropriations where strategic and long-range business plans are
13 discussed; and

14 (10) meetings of the board of directors of the
15 public health facilities authority or a local board of a local
16 public health facilities authority held pursuant to the
17 provisions of the Public Health Facilities Authority Act.

18 I. If any meeting is closed pursuant to the
19 exclusions contained in Subsection H of this section, the
20 closure:

21 (1) if made in an open meeting, shall be
22 approved by a majority vote of a quorum of the policymaking
23 body; the authority for the closure and the subject to be
24 discussed shall be stated with reasonable specificity in the
25 motion calling for the vote on a closed meeting; the vote shall

1 be taken in an open meeting; and the vote of each individual
2 member shall be recorded in the minutes. Only those subjects
3 announced or voted upon prior to closure by the policymaking
4 body may be discussed in a closed meeting; and

5 (2) if called for when the policymaking body is
6 not in an open meeting, shall not be held until public notice,
7 appropriate under the circumstances, stating the specific
8 provision of the law authorizing the closed meeting and stating
9 with reasonable specificity the subject to be discussed is given
10 to the members and to the general public.

11 J. Following completion of any closed meeting, the
12 minutes of the open meeting that was closed or the minutes of
13 the next open meeting if the closed meeting was separately
14 scheduled shall state that the matters discussed in the closed
15 meeting were limited only to those specified in the motion for
16 closure or in the notice of the separate closed meeting. This
17 statement shall be approved by the public body under Subsection
18 G of this section as part of the minutes. "

19 Section 14. Section 13-1-98 NMSA 1978 (being Laws 1984,
20 Chapter 65, Section 71, as amended) is amended to read:

21 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE. --The
22 provisions of the Procurement Code shall not apply to:

23 A. procurement of items of tangible personal
24 property or services by a state agency or a local public body
25 from a state agency, a local public body or external procurement

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1 unit except as otherwise provided in Sections 13-1-135 through
2 13-1-137 NMSA 1978;

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

5 C. printing and duplicating contracts involving
6 materials which are required to be filed in connection with
7 proceedings before administrative agencies or state or federal
8 courts;

9 D. purchases of publicly provided or publicly
10 regulated gas, electricity, water, sewer and refuse collection
11 services;

12 E. purchases of books and periodicals from the
13 publishers or copyright holders thereof;

14 F. travel or shipping by common carrier or by
15 private conveyance or to meals and lodging;

16 G. purchase of livestock at auction rings or to the
17 procurement of animals to be used for research and
18 experimentation or exhibit;

19 H. contracts with businesses for public school
20 transportation services;

21 I. procurement of tangible personal property or
22 services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978,
23 by the corrections industries division of the corrections
24 department pursuant to regulations adopted by the corrections
25 [industries] commission, which shall be reviewed by the

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1 purchasing division of the general services department prior to
2 adoption;

3 J. minor purchases consisting of magazine
4 subscriptions, conference registration fees and other similar
5 purchases where prepayments are required;

6 K. municipalities having adopted home rule charters
7 and having enacted their own purchasing ordinances;

8 L. the issuance, sale and delivery of public
9 securities pursuant to the applicable authorizing statute, with
10 the exception of bond attorneys and general financial
11 consultants;

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

16 N. contracts for maintenance of grounds and
17 facilities at highway rest stops and other employment
18 opportunities, excluding those intended for the direct care and
19 support of persons with handicaps, entered into by state
20 agencies with private, nonprofit, independent contractors who
21 provide services to persons with handicaps;

22 O. contracts and expenditures for services to be
23 paid or compensated by money or other property transferred to
24 New Mexico law enforcement agencies by the United States
25 department of justice drug enforcement administration;

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1 P. contracts for retirement and other benefits
2 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978; [~~and~~]

3 Q. contracts with professional entertainers; and

4 R. procurement of tangible personal property or
5 services by the public health facilities authority or a local
6 public health facilities authority pursuant to the Public Health
7 Facilities Authority Act. "

8 Section 15. Section 13-6-2.1 NMSA 1978 (being Laws 1989,
9 Chapter 380, Section 1) is amended to read:

10 "13-6-2.1. LEASES-- BOARD OF FINANCE APPROVAL. --

11 A. Any sale, trade or lease for a period of more
12 than five years but less than twenty-five years in duration of
13 real property belonging to any state agency, local public body,
14 school district or state educational institution or any sale,
15 trade or lease of such real property for a consideration of more
16 than twenty-five thousand dollars (\$25,000) but less than one
17 hundred thousand dollars (\$100,000) shall not be valid unless it
18 is approved prior to its effective date by the state board of
19 finance.

20 B. The provisions of this section shall not be
21 applicable as to those institutions specifically enumerated in
22 Article 12, Section 11 of the constitution of New Mexico, the
23 state land office [~~or~~], the state highway commission or the
24 public health facilities authority or a local public health
25 facilities authority created pursuant to the provisions of the

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1 Public Health Facilities Authority Act. "

2 Section 16. Section 14-2-6 NMSA 1978 (being Laws 1993,
3 Chapter 258, Section 3) is amended to read:

4 "14-2-6. DEFINITIONS. --As used in the Inspection of Public
5 Records Act:

6 A. "custodian" means any person responsible for the
7 maintenance, care or keeping of a public body's public records,
8 regardless of whether the records are in that person's actual
9 physical custody and control;

10 B. "inspect" means to review all public records that
11 are not excluded in Section 14-2-1 NMSA 1978;

12 C. "person" means any individual, corporation,
13 partnership, firm, association or entity;

14 D. "public body" means the executive, legislative
15 and judicial branches of state and local governments and all
16 advisory boards, commissions, committees, agencies or entities
17 created by the constitution or any branch of government that
18 receives any public funding, including political subdivisions,
19 special taxing districts, school districts and institutions of
20 higher education, but "public body" does not include the public
21 health facilities authority or a local public health facilities
22 authority created pursuant to the Public Health Facilities
23 Authority Act; and

24 E. "public records" means all documents, papers,
25 letters, books, maps, tapes, photographs, recordings and other

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1 materials, regardless of physical form or characteristics, that
2 are used, created, received, maintained or held by or on behalf
3 of any public body and relate to public business, whether or not
4 the records are required by law to be created or maintained. "

5 Section 17. SEVERABILITY. If any part or application of
6 the Public Health Facilities Authority Act is held invalid, the
7 remainder or its application to other situations or persons
8 shall not be affected.

9 Section 18. EFFECTIVE DATE. --The effective date of the
10 provisions of this act is July 1, 1997.

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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

February 27, 1997

Mr. Speaker:

**Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred**

HOUSE BILL 1092

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
CONSUMER AND PUBLIC AFFAIRS COMMITTEE.**

Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Hobbs, Wallace

Absent: None

M \H1092

Underscored material = new
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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 4, 1997

Mr. Speaker:

**Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
whom has been referred**

HOUSE BILL 1092

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.**

Respectfully submitted,

Gary King, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 2 Against

Yes: 6

No: Dana, King

Excused: Rios, Sandel

Absent: None

M \H1092

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**State of New Mexico
House of Representatives**

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 19, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1092

**has had it under consideration and reports same with
recommendation that it DO NOT PASS, but that**

**HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1092**

DO PASS.

Respectfully submitted,

Thomas P. Foy, Chairman

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Rios, Sanchez

Absent: None

M \H1092

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1092

has had it under consideration and reports same with recommendation that it DO PASS.

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Underscored material = new
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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Date _____

The roll call vote was 5 For 1 Against

Yes: 5

No: Adair

Excused: Boitano, Ingle, Smith

Absent: None

H1092PA1

Underscored material = new
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