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SENATE BILL 1257

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

INTRODUCED BY

BEN D. ALTAMIRANO

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

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

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 March 1, 1997
6

7 Mr. President:
8

9 Your FINANCE COMMITTEE, to whom has been referred
10

11 SENATE BILL 1257
12

13 has had it under consideration and reports same with
14 recommendation that it DO NOT PASS, but that
15

16 SENATE FINANCE COMMITTEE SUBSTITUTE FOR
17 SENATE BILL 1257
18

19 DO PASS, and thence referred to the COMMITTEES' COMMITTEE.
20

21 Respectfully submitted,
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25 _____
Ben D. Altamirano, Chairman

Underscored material = new
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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Ingle, Lyons, McKibben, Smith

Absent: None

S1257FC1

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 1257

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
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

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that provides quality health care services to the citizens of New Mexico, including continued support for the indigent population of the state.

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

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

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

8 C. "local board" means a local health facilities board
9 created pursuant to the Public Health Facilities Authority Act;

10 D. "public health facility" means a health facility
11 owned or operated by a state agency or institution or an agency
12 or institution of a political subdivision of the state; and

13 E. "state authority" means the public health
14 facilities authority created pursuant to the Public Health
15 Facilities Authority Act.

16 Section 4. [NEW MATERIAL] CREATION OF THE PUBLIC HEALTH
17 FACILITIES AUTHORITY. --

18 A. There is created as a public body politic and
19 corporate, separate and apart from the state, constituting a
20 governmental instrumentality to be known as the "public health
21 facilities authority". The state authority is created to
22 implement the provisions of the Public Health Facilities
23 Authority Act consistent with the public purposes stated in
24 Section 2 of that act.

25 B. The state authority shall be governed by a board of

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

7
8 C. Board members shall be appointed for five-year terms.
9 To provide for staggered terms, four of the initially appointed
10 members shall be appointed for terms of five years and three of the
11 initially appointed members shall be appointed for terms of three
12 years. Thereafter, all members shall be appointed for five-year
13 terms. A vacancy on the board shall be filled by appointment by
14 the governor for the remainder of the unexpired term. A member
15 shall serve until his replacement is confirmed by the senate.
16 Board members are eligible for reappointment.

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

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

21 B. create local boards upon receipt of a petition meeting
22 the following conditions:

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

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

6 (3) petitioners shall present a list of proposed
7 local board members; and

8 (4) petitioners shall prepare and present a plan,
9 which states the commitment and ability of the public health
10 facility or health facilities within the designated local area to
11 deliver indigent care;

12 C. approve, after legal review and approval by the
13 attorney general the sale, transfer or lease to the local board of
14 public health facilities from local governments or health
15 facilities from private entities, including transfer by exchange;

16 D. establish criteria to require public health facilities
17 to continue to deliver indigent care and remain eligible for
18 medicaid, medicare, state and local health care and indigent care
19 funds;

20 E. approve the inclusion of a public health facility
21 owned or operated by a state agency or institution to operate as
22 part of any local authority or as part of the state authority;

23 F. establish and review policies to promote access and
24 delivery of quality health care throughout the state to assure that
25 the creation and operation of local authorities facilitates

1 competition and results in enhanced coordination, accessibility,
2 affordability and efficiency in the delivery of the health care;

3 G. prepare annual reports to the governor and legislature
4 about the status and operation of the state authority and local
5 authorities; and

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

9 Section 6. [NEW MATERIAL] LOCAL BOARDS--CREATION--
10 COMPOSITION.--

11 A. Local boards shall be created pursuant to petition to
12 and approval by the state authority within areas designated by the
13 state authority for the purpose of owning and operating or leasing
14 public health facilities.

15 B. The membership of a local board shall be
16 representative of the residents of the designated local area and
17 shall include local government officials, representatives of
18 existing health facility governing boards, health professionals,
19 members of the public, consumer advocates and other interested
20 persons. The original members of the local board, their terms and
21 provisions for replacement of local board members shall be proposed
22 in the petition presented for approval by the state authority.

23 Section 7. [NEW MATERIAL] LOCAL BOARDS--POWERS AND DUTIES.--
24 Local boards generally have all powers necessary and convenient to
25 carry out and effectuate the provisions of the Public Health

1 Facilities Authority Act pertaining to local boards and have the
2 power to:

3 A. sue and be sued;

4 B. purchase, lease, take, receive or otherwise acquire,
5 own, hold, use and otherwise deal in and with real or personal
6 property;

7 C. sell, convey, lease, pledge, exchange, transfer and
8 otherwise dispose of its assets for the consideration, terms and
9 conditions determined by the local board and in accordance with
10 applicable laws;

11 D. make contracts, incur liabilities and borrow money at
12 such rates of interest as may be determined by the local board, but
13 the local board has no authority to create a debt that would be
14 prohibited by law or the constitution of New Mexico if created by
15 the state or a political subdivision of the state;

16 E. execute contracts and other instruments necessary or
17 convenient in the exercise of the powers and functions of the local
18 board;

19 F. receive and administer grants and private gifts;

20 G. receive funds from federal, state and local government
21 sources;

22 H. invest and reinvest its funds;

23 I. conduct its activities, carry out its operations and
24 maintain offices and facilities necessary and appropriate to
25 exercise its powers pursuant to the Public Health Facilities

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1 Authority Act;

2 J. make and amend bylaws for the administration and
3 regulation of its affairs, including in those bylaws within its
4 discretion provisions indemnifying any person who is a local board
5 member, officer, employee or agent of the local board or a public
6 health facility under its control for liability incurred or claimed
7 for actions taken or not taken within the scope of the person's
8 duties or employment;

9 K. employ officers and employees, set their compensation
10 and describe their duties;

11 L. enter into agreements with insurance carriers to
12 insure against any loss in connection with its operations;

13 M. authorize retirement programs and other benefits for
14 its salaried officers and employees and salaried officers and
15 employees of a public health facility under its control; and

16 N. employ fiscal consultants, attorneys and other
17 consultants and pay compensation to the persons employed.

18 Section 8. [NEW MATERIAL] EXEMPTIONS FROM CERTAIN LAWS. -- The
19 provisions of the following laws shall not apply or shall apply in
20 only a limited manner to the state authority and its board, the
21 local authority and the local board and public health facilities
22 under their respective control or ownership:

23 A. the Personnel Act;

24 B. the Procurement Code;

25 C. those provisions of Section 10-15-2 NMSA 1978

1 specifically exempting certain activities of state and local boards
2 from the provisions of the Open Meetings Act;

3 D. those provisions of Section 14-2-9 NMSA 1978
4 specifically exempting certain records from the provisions of the
5 Inspection of Public Records Act; and

6 E. the Per Diem and Mileage Act.

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

10 Section 10. [NEW MATERIAL] DISSOLUTION. -- On termination or
11 dissolution of the state authority or a local authority, all rights
12 and properties of the state authority or the local authority shall
13 be transferred by action of the respective authority or, in the
14 absence of that action, automatically by operation of law, to the
15 state or the local governmental entity from which they were
16 acquired, subject to the rights of any bondholders, lienholder or
17 creditors of the respective authority.

18 Section 11. Section 10-8-3 NMSA 1978 (being Laws 1971, Chap-
19 ter 116, Section 2, as amended) is amended to read:

20 "10-8-3. DEFINITIONS. -- As used in the Per Diem and Mileage
21 Act:

22 A. "secretary" means the secretary of finance and admin-
23 istration;

24 B. "employee" means any person who is in the employ of
25 any state agency, local public body or public post-secondary educa-

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1 tional institution and whose salary is paid either completely or in
2 part from public money, but does not include jurors or jury commis-
3 sioners;

4 C. "governing board" means the board of regents of any
5 institution designated in Article 12, Section 11 of the
6 constitution of New Mexico or designated in Chapter 21, Article 14
7 NMSA 1978, or the board of any institution designated in Chapter
8 21, Articles 13, 16 and 17 NMSA 1978;

9 D. "local public body" means all political subdivisions
10 of the state and their agencies, instrumentalities and
11 institutions, except public post-secondary educational institutions
12 and the local authorities and local boards created pursuant to the
13 Public Health Facilities Authority Act;

14 E. "state agency" means the state or any of its branches,
15 agencies, departments, boards, instrumentalities or institutions,
16 except public post-secondary educational institutions;

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

21 G. "public officer" or "public official" means every
22 elected or appointed officer of the state, local public body or any
23 public post-secondary educational institution. "Public officer"
24 includes members of advisory boards appointed by any state agency,
25 local public body or public post-secondary educational

1 institution. "

2 Section 12. Section 10-9-4 NMSA 1978 (being Laws 1961, Chap-
3 ter 240, Section 4, as amended) is amended to read:

4 "10-9-4. COVERAGE OF SERVICE. -- The Personnel Act and the ser-
5 vice cover all state positions except:

6 A. officials elected by popular vote or appointed to fill
7 vacancies to elective offices;

8 B. members of boards and commissions and heads of agen-
9 cies appointed by the governor;

10 C. heads of agencies appointed by boards or commissions;

11 D. directors of department divisions;

12 E. those in educational institutions and in public
13 schools;

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

18 G. those in the governor's office;

19 H. those in the state militia or the commissioned
20 officers of the New Mexico state police division of the department
21 of public safety;

22 I. those in the governmental instrumentality known as the
23 public health facilities authority created pursuant to the Public
24 Health Facilities Authority Act;

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

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

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

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

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

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

12 ~~[O.]~~ P. disadvantaged youth under twenty-two years of age
13 regularly enrolled or to be enrolled in a secondary educational
14 institution approved by the state board of education or in an
15 accredited state institution of advanced learning or vocational
16 training and who are to be employed for not more than seven hundred
17 twenty hours during any calendar year:

18 (1) the term "disadvantaged youth" shall be defined
19 for purposes of this exemption by regulation duly promulgated by
20 the board; and

21 (2) the board shall:

22 (a) require that all the criteria of this sub-
23 section have been met;

24 (b) establish employment lists for the certi-
25 fication of the highest-standing candidates to the prospective em-

1 ployers; and

2 (c) establish the pay rates for such em-
3 ployees. "

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

6 "10-15-1. FORMATION OF PUBLIC POLICY--PROCEDURES FOR OPEN
7 MEETINGS--EXCEPTIONS AND PROCEDURES FOR CLOSED MEETINGS. --

8 A. In recognition of the fact that a representative
9 government is dependent upon an informed electorate, it is declared
10 to be public policy of this state that all persons are entitled to
11 the greatest possible information regarding the affairs of
12 government and the official acts of those officers and employees
13 who represent them. The formation of public policy or the conduct
14 of business by vote shall not be conducted in closed meeting. All
15 meetings of any public body except the legislature and the courts
16 shall be public meetings, and all persons so desiring shall be
17 permitted to attend and listen to the deliberations and
18 proceedings. Reasonable efforts shall be made to accommodate the
19 use of audio and video recording devices.

20 B. All meetings of a quorum of members of any board,
21 commission, administrative adjudicatory body or other policymaking
22 body of any state agency, any agency or authority of any county,
23 municipality, district or any political subdivision, held for the
24 purpose of formulating public policy, including the development of
25 personnel policy, rules, regulations or ordinances, discussing

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1 public business or for the purpose of taking any action within the
2 authority of or the delegated authority of any board, commission or
3 other policymaking body are declared to be public meetings open to
4 the public at all times, except as otherwise provided in the
5 constitution of New Mexico or the Open Meetings Act. No public
6 meeting once convened that is otherwise required to be open
7 pursuant to the Open Meetings Act shall be closed or dissolved into
8 small groups or committees for the purpose of permitting the
9 closing of the meeting.

10 C. If otherwise allowed by law or rule of the public
11 body, a member of a public body may participate in a meeting of the
12 public body by means of a conference telephone or other similar
13 communications equipment when it is otherwise difficult or
14 impossible for the member to attend the meeting in person, provided
15 that each member participating by conference telephone can be
16 identified when speaking, all participants are able to hear each
17 other at the same time and members of the public attending the
18 meeting are able to hear any member of the public body who speaks
19 during the meeting.

20 D. Any meetings at which the discussion or adoption of
21 any proposed resolution, rule, regulation or formal action occurs
22 and at which a majority or quorum of the body is in attendance, and
23 any closed meetings, shall be held only after reasonable notice to
24 the public. The affected body shall determine at least annually in
25 a public meeting what notice for a public meeting is reasonable

1 when applied to that body. That notice shall include broadcast
 2 stations licensed by the federal communications commission and
 3 newspapers of general circulation that have provided a written
 4 request for such notice.

5 E. A public body may recess and reconvene a meeting to a
 6 day subsequent to that stated in the meeting notice if, prior to
 7 recessing, the public body specifies the date, time and place for
 8 continuation of the meeting, and, immediately following the
 9 recessed meeting, posts notice of the date, time and place for the
 10 reconvened meeting on or near the door of the place where the
 11 original meeting was held and in at least one other location
 12 appropriate to provide public notice of the continuation of the
 13 meeting. Only matters appearing on the agenda of the original
 14 meeting may be discussed at the reconvened meeting.

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

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1 G. The board, commission or other policymaking body shall
2 keep written minutes of all its meetings. The minutes shall
3 include at a minimum the date, time and place of the meeting, the
4 names of members in attendance and those absent, the substance of
5 the proposals considered and a record of any decisions and votes
6 taken that show how each member voted. All minutes are open to
7 public inspection. Draft minutes shall be prepared within ten
8 working days after the meeting and shall be approved, amended or
9 disapproved at the next meeting where a quorum is present. Minutes
10 shall not become official until approved by the policymaking body.

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

13 (1) meetings pertaining to issuance, suspension,
14 renewal or revocation of a license, except that a hearing at which
15 evidence is offered or rebutted shall be open. All final actions
16 on the issuance, suspension, renewal or revocation of a license
17 shall be taken at an open meeting;

18 (2) limited personnel matters; provided that for
19 purposes of the Open Meetings Act, "limited personnel matters"
20 means the discussion of hiring, promotion, demotion, dismissal,
21 assignment or resignation of or the investigation or consideration
22 of complaints or charges against any individual public employee;
23 provided further that this subsection is not to be construed as to
24 exempt final actions on personnel from being taken at open public
25 meetings, nor does it preclude an aggrieved public employee from

1 demanding a public hearing. Judicial candidates interviewed by any
2 commission shall have the right to demand an open interview;

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

13 (4) the discussion of personally identifiable
14 information about any individual student, unless the student, his
15 parent or guardian requests otherwise;

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

22 (6) that portion of meetings at which a decision
23 concerning purchases in an amount exceeding two thousand five
24 hundred dollars (\$2,500) that can be made only from one source and
25 that portion of meetings at which the contents of competitive

1 sealed proposals solicited pursuant to the Procurement Code are
2 discussed during the contract negotiation process. The actual
3 approval of purchase of the item or final action regarding the
4 selection of a contractor shall be made in an open meeting;

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

8 (8) meetings for the discussion of the purchase,
9 acquisition or disposal of real property or water rights by the
10 public body; ~~and~~

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

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

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

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

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

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

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

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

20 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE. -- The
 21 provisions of the Procurement Code shall not apply to:

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

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

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

6 D. purchases of publicly provided or publicly regulated
7 gas, electricity, water, sewer and refuse collection services;

8 E. purchases of books and periodicals from the publishers
9 or copyright holders thereof;

10 F. travel or shipping by common carrier or by private
11 conveyance or to meals and lodging;

12 G. purchase of livestock at auction rings or to the
13 procurement of animals to be used for research and experimentation
14 or exhibit;

15 H. contracts with businesses for public school
16 transportation services;

17 I. procurement of tangible personal property or services,
18 as defined by Sections 13-1-87 and 13-1-93 NMSA 1978, by the
19 corrections industries division of the corrections department
20 pursuant to regulations adopted by the corrections [~~industries~~]
21 commission, which shall be reviewed by the purchasing division of
22 the general services department prior to adoption;

23 J. minor purchases consisting of magazine subscriptions,
24 conference registration fees and other similar purchases where
25 prepayments are required;

1 K. municipalities having adopted home rule charters and
2 having enacted their own purchasing ordinances;

3 L. the issuance, sale and delivery of public securities
4 pursuant to the applicable authorizing statute, with the exception
5 of bond attorneys and general financial consultants;

6 M. contracts entered into by a local public body with a
7 private independent contractor for the operation, or provision and
8 operation, of a jail pursuant to Sections 33-3-26 and 33-3-27 NMSA
9 1978;

10 N. contracts for maintenance of grounds and facilities at
11 highway rest stops and other employment opportunities, excluding
12 those intended for the direct care and support of persons with
13 handicaps, entered into by state agencies with private, nonprofit,
14 independent contractors who provide services to persons with
15 handicaps;

16 O. contracts and expenditures for services to be paid or
17 compensated by money or other property transferred to New Mexico
18 law enforcement agencies by the United States department of justice
19 drug enforcement administration;

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

22 Q. contracts with professional entertainers; and

23 R. procurement of tangible personal property or services
24 by the public health facilities authority or a local public health
25 facilities authority pursuant to the Public Health Facilities

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1 Authority Act. "

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

4 "13-6-2.1. LEASES--BOARD OF FINANCE APPROVAL. --

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

13 B. The provisions of this section shall not be applicable
14 as to those institutions specifically enumerated in Article 12,
15 Section 11 of the constitution of New Mexico, the state land office
16 [~~or~~], the state highway commission or the public health facilities
17 authority or a local public health facilities authority created
18 pursuant to the provisions of the Public Health Facilities
19 Authority Act. "

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

22 "14-2-6. DEFINITIONS. --As used in the Inspection of Public
23 Records Act:

24 A. "custodian" means any person responsible for the
25 maintenance, care or keeping of a public body's public records,

1 regardless of whether the records are in that person's actual
2 physical custody and control;

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

5 C. "person" means any individual, corporation,
6 partnership, firm, association or entity;

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

16 E. "public records" means all documents, papers, letters,
17 books, maps, tapes, photographs, recordings and other materials,
18 regardless of physical form or characteristics, that are used,
19 created, received, maintained or held by or on behalf of any public
20 body and relate to public business, whether or not the records are
21 required by law to be created or maintained."

22 Section 17. SEVERABILITY. If any part or application of the
23 Public Health Facilities Authority Act is held invalid, the
24 remainder or its application to other situations or persons shall
25 not be affected.

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

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 3, 1997

Mr. President:

Your COMMITTEES' COMMITTEE, to whom has been referred

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 1257

has had it under consideration and reports same WITHOUT
RECOMMENDATION, and further recommends that it now be referred to
the PUBLIC AFFAIRS COMMITTEE.

Respectfully submitted,

Manny M. Aragon, Chairman

SFC/SB 1257

FORTY- SECOND LEGI SLATURE
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KEYBOARD(TYPE SLUGS)

Page 28

Adopted _____ Not Adopted _____
(Chi ef Clerk) (Chi ef Clerk)

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1 FORTY- SECOND LEGI SLATURE
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Page 29

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6 FORTY- THIR D LEGI SLATURE
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10 March 20, 1997

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12 Mr. Presi dent:

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14 Your FINANCE COMMI TTEE, to whom has been referred

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16 HOUSE BILL 1257, as amended

17
18 has had it under consideration and reports same with recommendation that
19 it DO PASS.

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21 Respectfully submit ted,

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Ben D. Altami rano, Chair man

FORTY-SECOND LEGISLATURE
SECOND SESSION

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KEYBOARD(TYPE SLUGS)

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Campos, Ingle, McKibben, Smith

Absent: None

H1257FC1

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