

**FORTY-FIFTH LEGISLATURE  
FIRST SESSION, 2001**

March 1, 2001

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to whom has been referred

**HOUSE BILL 230**

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, line 25, strike "as well as" and insert in lieu thereof "or".
2. On page 5, line 4, after "C." insert "using principles similar to those developed by the federal office of management and budget,".
3. On page 5, line 5, after the semicolon insert "the guidelines shall provide for different types of cost-benefit analyses depending on the types and amounts of the professional services contracts;".
4. On page 5, line 17, after "in" strike the remainder of the line and strike line 18 through "of".
5. On page 5, line 18, after "section" insert "and pursuant to the schedule developed by the department".
6. On page 5, between lines 23 and 24, insert the following new paragraphs:

"(1) for litigation expenses in connection with proceedings before administrative agencies or state or federal courts, including experts, mediators, court reporters, process servers and witness fees, but not including attorney contracts;

(2) for hospital and health care related services exempt from the provisions of the Procurement Code pursuant to Section 13-1-98.1 NMSA 1978;".
7. Renumber the succeeding paragraphs accordingly.
8. On page 6, between lines 3 and 4, insert the following new subsection:

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"B. The department shall develop a state agency schedule so that all agencies, including the legislative and judicial branches of government and institutions of higher education, are implementing the provisions of the Performance Contracting Act by the end of fiscal year 2005."

9. Reletter the succeeding subsection accordingly.

10. On page 6, between lines 15 and 16, insert the following new subsection:

"D. No provision of the Performance Contracting Act shall be applied to any situation, decision, proposed contract or contract if the application of that provision to the situation, decision, proposed contract or contract would directly or indirectly impair a legally protected right."

11. On page 6, line 17, strike "2001" and insert in lieu thereof "2002".

Respectfully submitted,

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Max Coll, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 4 Against

Yes: 10

No: Bratton, Buffett, Larrañaga, Townsend

Excused: Garcia, MH, Marquardt, Ponce, Salazar

Absent: None

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