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SENATE BILL 149

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Allen V. Hurt

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE AND
THE LEGISLATIVE HEALTH SUBCOMMITTEE

AN ACT

RELATING TO EMERGENCY PROCUREMENT; EXPANDING THE DEFINITION OF
EMERGENCY CONDITION; PROVIDING AN EXEMPTION FOR PLANNING AND
PREPARING FOR AN EMERGENCY RESPONSE; AMENDING A SECTION OF THE
NMSA 1978; DECLARING AN EMERGENCY.

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

Section 1. Section 13-1-127 NMSA 1978 (being Laws 1984,
Chapter 65, Section 100, as amended) is amended to read:

"13-1-127. EMERGENCY PROCUREMENTS. --

A. The state purchasing agent, a central
purchasing office or a designee of either may make or
authorize others to make emergency procurements when there
exists a threat to public health, welfare, safety or property
requiring procurement under emergency conditions; provided
that emergency procurements shall be made with competition as

underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 is practicable under the circumstances. A written
2 determination of the basis for the emergency procurement and
3 for the selection of the particular contractor or vendor shall
4 be included in the procurement file. Emergency procurements
5 shall not include the purchase or lease purchase of heavy road
6 equipment.

7 B. An emergency condition is a situation which
8 creates a threat to public health, welfare or safety such as
9 may arise by reason of floods, fires, epidemics, riots, acts
10 of terrorism, equipment failures or similar events and
11 includes the planning and preparing for an emergency response.

12 The existence of the emergency condition creates an immediate
13 and serious need for services, construction or items of
14 tangible personal property that cannot be met through normal
15 procurement methods and the lack of which would seriously
16 threaten:

- 17 (1) the functioning of government;
- 18 (2) the preservation or protection of
19 property; or
- 20 (3) the health or safety of any person.

21 C. Money expended for planning and preparing for
22 an emergency response shall be accounted for and reported to
23 the legislative finance committee and the department of
24 finance and administration within sixty days after the end of
25 each fiscal year. "

