

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 842

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
AMENDING THE PROCUREMENT CODE TO EXEMPT CONTRACTS BETWEEN THE
CORRECTIONS DEPARTMENT AND CERTAIN INDEPENDENT CONTRACTORS.

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

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

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

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

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

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

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

10 E. purchases of books and periodicals from the
11 publishers or copyright holders thereof;

12 F. travel or shipping by common carrier or by
13 private conveyance or to meals and lodging;

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

17 H. contracts with businesses for public school
18 transportation services;

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

1 J. minor purchases not exceeding five thousand
2 dollars (\$5,000) consisting of magazine subscriptions,
3 conference registration fees and other similar purchases where
4 prepayments are required;

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

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

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

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

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

3 Q. contracts with professional entertainers; [~~and~~]

4 R. contracts and expenditures for litigation
5 expenses in connection with proceedings before administrative
6 agencies or state or federal courts, including experts,
7 mediators, court reporters, process servers and witness fees,
8 but not including attorney contracts; and

9 S. contracts entered into by the corrections
10 department with a private independent contractor for the
11 operation, or provision and operation, of a corrections
12 facility. "