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SENATE BILL 378

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

INTRODUCED BY

Kent L. Cravens

AN ACT

RELATING TO PROCUREMENT; INCREASING THE AMOUNT THE NEW MEXICO
STATE FAIR COMMISSION CAN PURCHASE THAT IS EXCLUDED FROM
CENTRAL PURCHASING THROUGH THE STATE PURCHASING AGENT.

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

Section 1. Section 13-1-30 NMSA 1978 (being Laws 1984,
Chapter 65, Section 3, as amended) is amended to read:

"13-1-30. APPLICATION OF THE CODE. --

A. Except as otherwise provided in the Procurement
Code, that code shall apply to every expenditure by state
agencies and local public bodies for the procurement of items
of tangible personal property, services and construction
[and]. That code also applies to concession contracts at the
New Mexico state fair in excess of [~~ten thousand dollars~~
~~(\$10,000)] thirty thousand dollars (\$30,000), whether those~~

underscored material = new
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1 concession contracts generate revenue and earnings or expand
2 funds.

3 B. When a procurement involves the expenditure of
4 federal funds, the procurement shall be conducted in
5 accordance with mandatory applicable federal law and
6 regulations. When mandatory applicable federal law or
7 regulations are inconsistent with the provisions of the
8 Procurement Code, compliance with federal law or regulations
9 shall be compliance with the Procurement Code."

10 Section 2. Section 13-1-99 NMSA 1978 (being Laws 1984,
11 Chapter 65, Section 72, as amended) is amended to read:

12 "13-1-99. EXCLUDED FROM CENTRAL PURCHASING THROUGH THE
13 STATE PURCHASING AGENT. -- Excluded from the requirement of
14 procurement through the state purchasing agent but not from
15 the requirements of the Procurement Code are the following:

- 16 A. procurement of professional services;
- 17 B. small purchases having a value not exceeding
18 one thousand five hundred dollars (\$1,500);
- 19 C. emergency procurement;
- 20 D. procurement of highway construction or
21 reconstruction by the state highway and transportation
22 department;
- 23 E. procurement by the judicial branch of state
24 government;
- 25 F. procurement by the legislative branch of state

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1 government;

2 G. procurement by the boards of regents of state
3 educational institutions named in Article 12, Section 11 of
4 the constitution of New Mexico;

5 H. procurement by the state fair commission of
6 tangible personal property, services and construction under
7 [~~five thousand dollars (\$5,000)~~] ten thousand dollars
8 (\$10,000);

9 I. purchases from the instructional material fund;

10 J. procurement by all local public bodies;

11 K. procurement by regional education cooperatives;

12 L. procurement by charter schools; and

13 M. procurement by each state health care
14 institution that provides direct patient care and that is, or
15 a part of which is, medicaid certified and participating in
16 the New Mexico medicaid program."

17 Section 3. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2002.

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