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HOUSE BILL 412

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

RELATING TO PROCUREMENT; EXEMPTING THE CULTURAL AFFAIRS  
DEPARTMENT FROM THE PROCUREMENT CODE FOR PURCHASES OF BOOKS  
PRINTED BY THE DEPARTMENT; RECONCILING MULTIPLE AMENDMENTS TO  
THE SAME SECTION OF LAW IN LAWS 2005.

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 by Laws 2005, Chapter 23,  
Section 2 and by Laws 2005, Chapter 317, Section 2 and by Laws  
2005, Chapter 318, Section 1 and also by Laws 2005, Chapter  
334, Section 8) 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

underscoring material = new  
[bracketed material] = delete

1 from a state agency, a local public body or external  
2 procurement unit except as otherwise provided in Sections  
3 13-1-135 through 13-1-137 NMSA 1978;

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

6 C. printing and duplicating contracts involving  
7 materials that are required to be filed in connection with  
8 proceedings before administrative agencies or state or federal  
9 courts;

10 D. purchases of publicly provided or publicly  
11 regulated gas, electricity, water, sewer and refuse collection  
12 services;

13 E. purchases of books and periodicals from the  
14 publishers or copyright holders thereof;

15 F. travel or shipping by common carrier or by  
16 private conveyance or to meals and lodging;

17 G. purchase of livestock at auction rings or to the  
18 procurement of animals to be used for research and  
19 experimentation or exhibit;

20 H. contracts with businesses for public school  
21 transportation services;

22 I. procurement of tangible personal property or  
23 services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978,  
24 by the corrections industries division of the corrections  
25 department pursuant to rules adopted by the corrections

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1 industries commission, which shall be reviewed by the  
2 purchasing division of the general services department prior to  
3 adoption;

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

8 K. municipalities having adopted home rule charters  
9 and having enacted their own purchasing ordinances;

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

14 M. contracts entered into by a local public body  
15 with a private independent contractor for the operation, or  
16 provision and operation, of a jail pursuant to Sections  
17 33-3-26 and 33-3-27 NMSA 1978;

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

24 O. contracts and expenditures for services or items  
25 of tangible personal property to be paid or compensated by

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1 money or other property transferred to New Mexico law  
2 enforcement agencies by the United States department of justice  
3 drug enforcement administration;

4 P. contracts for retirement and other benefits  
5 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

6 Q. contracts with professional entertainers;

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

12 S. contracts for service relating to the design,  
13 engineering, financing, construction and acquisition of public  
14 improvements undertaken in improvement districts pursuant to  
15 Subsection L of Section 3-33-14.1 NMSA 1978 and in county  
16 improvement districts pursuant to Subsection L of Section  
17 4-55A-12.1 NMSA 1978;

18 T. works of art for museums or for display in  
19 public buildings or places;

20 U. contracts entered into by a local public body  
21 with a person, firm, organization, corporation or association  
22 or a state educational institution named in Article 12, Section  
23 11 of the constitution of New Mexico for the operation and  
24 maintenance of a hospital pursuant to Chapter 3, Article 44  
25 NMSA 1978, lease or operation of a county hospital pursuant to

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underscoring material = new  
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1 the Hospital Funding Act or operation and maintenance of a  
2 hospital pursuant to the Special Hospital District Act;

3 V. purchases of advertising in all media, including  
4 radio, television, print and electronic;

5 W. purchases of promotional goods intended for  
6 resale by the tourism department;

7 X. purchases of books printed by the cultural  
8 affairs department and intended for resale by the cultural  
9 affairs department;

10 [~~X.~~] Y. procurement by or through the public  
11 education department from the federal department of education  
12 relating to parent training and information centers designed to  
13 increase parent participation, projects and initiatives  
14 designed to improve outcomes for students with disabilities and  
15 other projects and initiatives relating to the administration  
16 of improvement strategy programs pursuant to the federal  
17 Individuals with Disabilities Education Act; provided that the  
18 exemption applies only to procurement of services not to exceed  
19 two hundred thousand dollars (\$200,000);

20 [~~Y.~~] Z. procurement of services from community  
21 rehabilitation programs or qualified individuals pursuant to  
22 the State Use Act; [~~and~~

23 ~~Z.~~] AA. purchases of products or services for  
24 eligible persons with disabilities pursuant to the federal  
25 Rehabilitation Act of 1973;

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