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HOUSE BILL 322

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

INTRODUCED BY

W. C. "Dub" Williams

AN ACT

**RELATING TO PUBLIC PROCUREMENT; EXEMPTING CERTAIN CONTRACTS
FOR THE LEASE OR OPERATION OF A COUNTY HOSPITAL FROM THE
PROCUREMENT CODE.**

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;**

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

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

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

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

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

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

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

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

25 J. minor purchases not exceeding five thousand

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1 dollars (\$5,000) consisting of magazine subscriptions,
2 conference registration fees and other similar purchases where
3 prepayments are required;

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

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

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

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

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

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

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Q. contracts with professional entertainers; [~~and~~]
R. contracts and expenditures 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; and

S. contracts entered into by a local public body with a person, firm, organization, corporation or a state educational institution named in Article 12, Section 11 of the constitution of New Mexico for the lease or operation of a county hospital pursuant to Section 4-48B-7 NMSA 1978. "