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**HOUSE BILL 539**

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

**INTRODUCED BY**

**Joe M Stell**

**AN ACT**

**RELATING TO PROCUREMENTS; EXEMPTING PROCUREMENT OF NEW MEXICO-GROWN AGRICULTURAL PRODUCTS FROM PROVISIONS OF 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~~] rules adopted  
22 by the 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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1 Q. contracts with professional entertainers; [~~and~~]

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

7 S. purchases of New Mexico-grown agricultural  
8 products. "