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HOUSE BILL 830

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

INTRODUCED BY

Janice E. Arnold-Jones

AN ACT

RELATING TO PROCUREMENT; EXEMPTING FROM THE PROVISIONS OF THE
PROCUREMENT CODE PURCHASES BY STATE AGENCIES THROUGH THE
INTERNET; RECONCILING MULTIPLE AMENDMENTS TO 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).

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

Section 1. Section 13-1-28 NMSA 1978 (being Laws 1984,
Chapter 65, Section 1) is amended to read:

"13-1-28. SHORT TITLE.--Sections [~~1 through 172 of this
act]~~ 13-1-28 through 13-1-199 NMSA 1978 may be cited as the
"Procurement Code"."

Section 2. Section 13-1-98 NMSA 1978 (being Laws 1984,

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1 Chapter 65, Section 71, as amended by Laws 2005, Chapter 23,
2 Section 2 and by Laws 2005, Chapter 317, Section 2 and by Laws
3 2005, Chapter 318, Section 1 and also by Laws 2005, Chapter
4 334, Section 8) is amended to read:

5 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The
6 provisions of the Procurement Code shall not apply to:

7 A. procurement of items of tangible personal
8 property or services by a state agency or a local public body
9 from a state agency, a local public body or external
10 procurement unit except as otherwise provided in Sections
11 13-1-135 through 13-1-137 NMSA 1978;

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

14 C. printing and duplicating contracts involving
15 materials that are required to be filed in connection with
16 proceedings before administrative agencies or state or federal
17 courts;

18 D. purchases of publicly provided or publicly
19 regulated gas, electricity, water, sewer and refuse collection
20 services;

21 E. purchases of books and periodicals from the
22 publishers or copyright holders thereof;

23 F. travel or shipping by common carrier or by
24 private conveyance or to meals and lodging;

25 G. purchase of livestock at auction rings or to the

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1 procurement of animals to be used for research and
2 experimentation or exhibit;

3 H. contracts with businesses for public school
4 transportation services;

5 I. procurement of tangible personal property or
6 services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978,
7 by the corrections industries division of the corrections
8 department pursuant to rules adopted by the corrections
9 industries commission, which shall be reviewed by the
10 purchasing division of the general services department prior to
11 adoption;

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

16 K. municipalities having adopted home rule charters
17 and having enacted their own purchasing ordinances;

18 L. the issuance, sale and delivery of public
19 securities pursuant to the applicable authorizing statute, with
20 the exception of bond attorneys and general financial
21 consultants;

22 M. contracts entered into by a local public body
23 with a private independent contractor for the operation, or
24 provision and operation, of a jail pursuant to Sections
25 33-3-26 and 33-3-27 NMSA 1978;

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1 N. contracts for maintenance of grounds and
2 facilities at highway rest stops and other employment
3 opportunities, excluding those intended for the direct care and
4 support of persons with handicaps, entered into by state
5 agencies with private, nonprofit, independent contractors who
6 provide services to persons with handicaps;

7 O. contracts and expenditures for services or items
8 of tangible personal property to be paid or compensated by
9 money or other property transferred to New Mexico law
10 enforcement agencies by the United States department of justice
11 drug enforcement administration;

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

14 Q. contracts with professional entertainers;

15 R. contracts and expenditures for litigation
16 expenses in connection with proceedings before administrative
17 agencies or state or federal courts, including experts,
18 mediators, court reporters, process servers and witness fees,
19 but not including attorney contracts;

20 S. contracts for service relating to the design,
21 engineering, financing, construction and acquisition of public
22 improvements undertaken in improvement districts pursuant to
23 Subsection L of Section 3-33-14.1 NMSA 1978 and in county
24 improvement districts pursuant to Subsection L of Section
25 4-55A-12.1 NMSA 1978;

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1 T. works of art for museums or for display in
2 public buildings or places;

3 U. contracts entered into by a local public body
4 with a person, firm, organization, corporation or association
5 or a state educational institution named in Article 12, Section
6 11 of the constitution of New Mexico for the operation and
7 maintenance of a hospital pursuant to Chapter 3, Article 44
8 NMSA 1978, lease or operation of a county hospital pursuant to
9 the Hospital Funding Act or operation and maintenance of a
10 hospital pursuant to the Special Hospital District Act;

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

13 W. purchases of promotional goods intended for
14 resale by the tourism department;

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

25 Y. procurement of services from community

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1 rehabilitation programs or qualified individuals pursuant to
2 the State Use Act; [~~and~~]

3 Z. purchases of products or services for eligible
4 persons with disabilities pursuant to the federal
5 Rehabilitation Act of 1973;

6 [~~Y.~~] AA. procurement of an agreement, pursuant to
7 Section 9-7-6.5 NMSA 1978, to operate Fort Bayard medical
8 center or to provide and operate in Grant county a replacement
9 facility for Fort Bayard medical center;

10 [~~Y.~~] BB. contracts for investment advisory
11 services, investment management services or other investment-
12 related services entered into by the education retirement
13 board, the state investment officer or the retirement board
14 created pursuant to the Public Employees Retirement Act; and

15 CC. purchases by state agencies of services or
16 tangible personal property through the internet."

17 Section 2. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2006.