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HOUSE BILL 650

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO PROCUREMENT; EXEMPTING THE NEW MEXICO STATE FAIR FROM THE PROCUREMENT CODE FOR PURCHASES MADE FOR RESALE OF ITEMS NECESSARY FOR THE UPKEEP OF LIVESTOCK; 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

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

17 Y. procurement of services from community
18 rehabilitation programs or qualified individuals pursuant to
19 the State Use Act; [~~and~~]

20 Z. purchases of products or services for eligible
21 persons with disabilities pursuant to the federal
22 Rehabilitation Act of 1973;

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

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1 facility for Fort Bayard medical center;
2 ~~[Y.]~~ BB. contracts for investment advisory
3 services, investment management services or other investment-
4 related services entered into by the ~~[education]~~ educational
5 retirement board, the state investment officer or the
6 retirement board created pursuant to the Public Employees
7 Retirement Act; and
8 CC. the purchase for resale by the state fair
9 commission of feed and other items necessary for the upkeep of
10 livestock."