

1 HOUSE BILL 430

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Linda M. Trujillo

5
6
7
8
9
10 AN ACT

11 RELATING TO PROCUREMENT; PROVIDING EXEMPTIONS FROM THE
12 PROCUREMENT CODE FOR CERTAIN LIBRARY, PUBLISHING AND
13 DISTRIBUTION PURCHASES.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 13-1-98 NMSA 1978 (being Laws 1984,
17 Chapter 65, Section 71, as amended) is amended to read:

18 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The
19 provisions of the Procurement Code shall not apply to:

20 A. procurement of items of tangible personal
21 property or services by a state agency or a local public body
22 from a state agency, a local public body or external
23 procurement unit except as otherwise provided in Sections
24 13-1-135 through 13-1-137 NMSA 1978;

25 B. procurement of tangible personal property or

.212549.1SA

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 services for the governor's mansion and grounds;

2 C. printing and duplicating contracts involving
3 materials that are required to be filed in connection with
4 proceedings before administrative agencies or state or federal
5 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, periodicals and training
10 materials in printed or electronic format from the publishers
11 or copyright holders thereof and purchases of print, digital or
12 electronic format library materials by public, school and state
13 libraries for access by the public;

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

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

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

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

.212549.1SA

underscoring material = new
~~[bracketed material] = delete~~

1 purchasing division of the general services department prior to
2 adoption;

3 J. purchases not exceeding ten thousand dollars
4 (\$10,000) consisting of magazine subscriptions, web-based or
5 electronic subscriptions, conference registration fees and
6 other similar purchases where prepayments are required;

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

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

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

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

23 O. contracts and expenditures for services or items
24 of tangible personal property to be paid or compensated by
25 money or other property transferred to New Mexico law

.212549.1SA

underscoring material = new
~~[bracketed material] = delete~~

1 enforcement agencies by the United States department of justice
2 drug enforcement administration;

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

5 Q. contracts with professional entertainers;

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

.212549.1SA

underscored material = new
[bracketed material] = delete

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 of printing, publishing and
8 distribution services for materials produced and intended for
9 resale by the cultural affairs department;

10 Y. procurement by or through the public education
11 department from the federal department of education relating to
12 parent training and information centers designed to increase
13 parent participation, projects and initiatives designed to
14 improve outcomes for students with disabilities and other
15 projects and initiatives relating to the administration of
16 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 Z. procurement of services from community
21 rehabilitation programs or qualified individuals pursuant to
22 the State Use Act;

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

.212549.1SA

underscoring material = new
~~[bracketed material] = delete~~

1 BB. procurement, by either the department of health
2 or Grant county or both, of tangible personal property,
3 services or construction that are exempt from the Procurement
4 Code pursuant to Section 9-7-6.5 NMSA 1978;

5 CC. contracts for investment advisory services,
6 investment management services or other investment-related
7 services entered into by the educational retirement board, the
8 state investment officer or the retirement board created
9 pursuant to the Public Employees Retirement Act;

10 DD. the purchase for resale by the state fair
11 commission of feed and other items necessary for the upkeep of
12 livestock;

13 EE. contracts entered into by the crime victims
14 reparation commission to distribute federal grants to assist
15 victims of crime, including grants from the federal Victims of
16 Crime Act of 1984 and the federal Violence Against Women Act of
17 1994;

18 FF. procurement by or through the children, youth
19 and families department of pre-kindergarten services purchased
20 pursuant to the Pre-Kindergarten Act;

21 GG. procurement of services of commissioned
22 advertising sales representatives for New Mexico magazine; and

23 HH. procurements exempt from the Procurement Code
24 as otherwise provided by law."