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SENATE BILL 680

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Linda M. Lopez and Luciano "Lucky" Varela

AN ACT

RELATING TO PROCUREMENT; PROVIDING FOR AN EXEMPTION FROM THE
PROCUREMENT CODE FOR CONTRACTS ENTERED INTO BY THE CRIME
VICTIMS REPARATIONS COMMISSION TO DISTRIBUTE FEDERAL GRANTS
FROM CERTAIN GRANTS TO ASSIST VICTIMS OF CRIME.

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 2008, Chapter 4,
Section 2 and by Laws 2008, Chapter 70, Section 2) 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

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1 procurement unit except as otherwise provided in Sections
2 13-1-135 through 13-1-137 NMSA 1978;

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

5 C. printing and duplicating contracts involving
6 materials that are required to be filed in connection with
7 proceedings before administrative agencies or state or federal
8 courts;

9 D. purchases of publicly provided or publicly
10 regulated gas, electricity, water, sewer and refuse collection
11 services;

12 E. purchases of books and periodicals from the
13 publishers or copyright holders thereof;

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

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

3 J. minor purchases not exceeding five thousand
4 dollars (\$5,000) consisting of magazine subscriptions,
5 conference registration fees and other similar purchases where
6 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
16 33-3-26 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

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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 litigation
7 expenses in connection with proceedings before administrative
8 agencies or state or federal courts, including experts,
9 mediators, court reporters, process servers and witness fees,
10 but not including attorney contracts;

11 S. contracts for service relating to the design,
12 engineering, financing, construction and acquisition of public
13 improvements undertaken in improvement districts pursuant to
14 Subsection L of Section 3-33-14.1 NMSA 1978 and in county
15 improvement districts pursuant to Subsection L of Section
16 4-55A-12.1 NMSA 1978;

17 T. works of art for museums or for display in
18 public buildings or places;

19 U. contracts entered into by a local public body
20 with a person, firm, organization, corporation or association
21 or a state educational institution named in Article 12, Section
22 11 of the constitution of New Mexico for the operation and
23 maintenance of a hospital pursuant to Chapter 3, Article 44
24 NMSA 1978, lease or operation of a county hospital pursuant to
25 the Hospital Funding Act or operation and maintenance of a

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1 hospital pursuant to the Special Hospital District Act;

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

4 W. purchases of promotional goods intended for
5 resale by the tourism department;

6 X. procurement of printing services for materials
7 produced and intended for resale by the cultural affairs
8 department;

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

19 Z. procurement of services from community
20 rehabilitation programs or qualified individuals pursuant to
21 the State Use Act;

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

25 BB. procurement, by either the department of health

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1 or Grant county or both, of tangible personal property,
2 services or construction that are exempt from the Procurement
3 Code pursuant to Section 9-7-6.5 NMSA 1978;

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

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

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

16 Section 2. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2009.