

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 512

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Daniel P. Silva

AN ACT

RELATING TO PUBLIC PURCHASING; AMENDING SECTIONS OF THE
PROCUREMENT CODE; MODIFYING THE DEFINITION OF LOCAL PUBLIC
BODIES AND OF EXEMPT MINOR PURCHASES; EXEMPTING CERTAIN
LITIGATION EXPENSES.

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

Section 1. Section 13-1-67 NMSA 1978 (being Laws 1984,
Chapter 65, Section 40) is amended to read:

"13-1-67. DEFINITION--LOCAL PUBLIC BODY.--"Local public
body" means every political subdivision of the state and the
agencies, instrumentalities and institutions thereof,
including two-year post-secondary educational institutions."

Section 2. 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

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

- 1 provisions of the Procurement Code shall not apply to:
- 2 A. procurement of items of tangible personal
- 3 property or services by a state agency or a local public body
- 4 from a state agency, a local public body or external
- 5 procurement unit except as otherwise provided in Sections
- 6 13-1-135 through 13-1-137 NMSA 1978;
- 7 B. procurement of tangible personal property or
- 8 services for the governor's mansion and grounds;
- 9 C. printing and duplicating contracts involving
- 10 materials which are required to be filed in connection with
- 11 proceedings before administrative agencies or state or federal
- 12 courts;
- 13 D. purchases of publicly provided or publicly
- 14 regulated gas, electricity, water, sewer and refuse collection
- 15 services;
- 16 E. purchases of books and periodicals from the
- 17 publishers or copyright holders thereof;
- 18 F. travel or shipping by common carrier or by
- 19 private conveyance or to meals and lodging;
- 20 G. purchase of livestock at auction rings or to
- 21 the procurement of animals to be used for research and
- 22 experimentation or exhibit;
- 23 H. contracts with businesses for public school
- 24 transportation services;
- 25 I. procurement of tangible personal property or

underscored material = new
[bracketed material] = delete

1 services, as defined by Sections 13-1-87 and 13-1-93 NMSA
2 1978, by the corrections industries division of the
3 corrections department pursuant to regulations adopted by the
4 corrections [~~industries~~] commission, which shall be reviewed
5 by the purchasing division of the general services department
6 prior to adoption;

7 J. minor purchases not exceeding five thousand
8 dollars (\$5,000) consisting of magazine subscriptions,
9 conference registration fees and other similar purchases where
10 prepayments are required;

11 K. municipalities having adopted home rule
12 charters and having enacted their own purchasing ordinances;

13 L. the issuance, sale and delivery of public
14 securities pursuant to the applicable authorizing statute,
15 with the exception of bond attorneys and general financial
16 consultants;

17 M contracts entered into by a local public body
18 with a private independent contractor for the operation, or
19 provision and operation, of a jail pursuant to Sections
20 33-3-26 and 33-3-27 NMSA 1978;

21 N. contracts for maintenance of grounds and
22 facilities at highway rest stops and other employment
23 opportunities, excluding those intended for the direct care
24 and support of persons with handicaps, entered into by state
25 agencies with private, nonprofit, independent contractors who

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

provide services to persons with handicaps;
O. contracts and expenditures for services to be paid or compensated by money or other property transferred to New Mexico law enforcement agencies by the United States department of justice drug enforcement administration;
P. contracts for retirement and other benefits pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;
[and]
Q. contracts with professional entertainers; and
R. contracts and expenditures for litigation expenses in connection with proceedings before administrative agencies or state or federal courts, including experts, mediators, court reporters, process servers and witness fees, but not including attorney contracts."

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5
6 February 20, 1999

7
8 Mr. Speaker:

9
10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
11 whom has been referred

12
13 HOUSE BILL 512

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,

19
20
21
22 _____
23 James G. Taylor, Chairman
24
25

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HGUAC/HB 512

Page 6

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

Excused: Abeyta, Saavedra

Absent: None

J: \99BillSWP\H0512

underscored material = new
[bracketed material] = delete

1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 February 27, 1999

5
6
7 Mr. Speaker:

8
9 Your JUDICIARY COMMITTEE, to whom has been referred

10 HOUSE BILL 512

11
12 has had it under consideration and reports same with
13 recommendation that it DO PASS.

14
15 Respectfully submitted,

16
17
18
19 _____
20 R. David Pederson, Chairman
21
22
23
24
25

underscored material = new
[bracketed material] = delete

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 512

Page 8

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Luna, T. Taylor, Sanchez

Absent: None

J: \99BillSWP\H0512

underscored material = new
[bracketed material] = delete