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AN ACT

RELATING TO PROCUREMENT; EXEMPTING FROM THE PROCUREMENT CODE  
CONTRACTS FOR FINANCIAL ADVISOR SERVICES ENTERED INTO BY THE  
EDUCATIONAL RETIREMENT BOARD, THE STATE INVESTMENT OFFICER OR  
THE RETIREMENT BOARD CREATED PURSUANT TO THE PUBLIC EMPLOYEES  
RETIREMENT ACT.

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

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

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

D. purchases of publicly provided or publicly  
regulated gas, electricity, water, sewer and refuse

1 collection services;

2 E. purchases of books and periodicals from the  
3 publishers or copyright holders thereof;

4 F. travel or shipping by common carrier or by  
5 private conveyance or to meals and lodging;

6 G. purchase of livestock at auction rings or to  
7 the procurement of animals to be used for research and  
8 experimentation or exhibit;

9 H. contracts with businesses for public school  
10 transportation services;

11 I. procurement of tangible personal property or  
12 services, as defined by Sections 13-1-87 and 13-1-93 NMSA  
13 1978, by the corrections industries division of the  
14 corrections department pursuant to regulations adopted by the  
15 corrections commission, which shall be reviewed by the  
16 purchasing division of the general services department prior  
17 to adoption;

18 J. minor purchases not exceeding five thousand  
19 dollars (\$5,000) consisting of magazine subscriptions,  
20 conference registration fees and other similar purchases  
21 where prepayments are required;

22 K. municipalities having adopted home rule  
23 charters and having enacted their own purchasing ordinances;

24 L. the issuance, sale and delivery of public  
25 securities pursuant to the applicable authorizing statute,

1 with the exception of bond attorneys and general financial  
2 consultants;

3 M. contracts entered into by a local public body  
4 with a private independent contractor for the operation, or  
5 provision and operation, of a jail pursuant to Sections  
6 33-3-26 and 33-3-27 NMSA 1978;

7 N. contracts for maintenance of grounds and  
8 facilities at highway rest stops and other employment  
9 opportunities, excluding those intended for the direct care  
10 and support of persons with handicaps, entered into by state  
11 agencies with private, nonprofit, independent contractors who  
12 provide services to persons with handicaps;

13 O. contracts and expenditures for services or  
14 items of tangible personal property to be paid or compensated  
15 by money or other property transferred to New Mexico law  
16 enforcement agencies by the United States department of  
17 justice drug enforcement administration;

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

20 Q. contracts with professional entertainers;

21 R. contracts and expenditures for litigation  
22 expenses in connection with proceedings before administrative  
23 agencies or state or federal courts, including experts,  
24 mediators, court reporters, process servers and witness fees,  
25 but not including attorney contracts;

1           S. contracts for service relating to the design,  
2 engineering, financing, construction and acquisition of  
3 public improvements undertaken in improvement districts  
4 pursuant to Subsection L of Section 3-33-14.1 NMSA 1978 and  
5 in county improvement districts pursuant to Subsection L of  
6 Section 4-55A-12.1 NMSA 1978;

7           T. works of art for museums or for display in  
8 public buildings or places;

9           U. contracts entered into by a local public body  
10 with a person, firm, organization, corporation or association  
11 or a state educational institution named in Article 12,  
12 Section 11 of the constitution of New Mexico for the  
13 operation and maintenance of a hospital pursuant to Chapter  
14 3, Article 44 NMSA 1978, lease or operation of a county  
15 hospital pursuant to the Hospital Funding Act or operation  
16 and maintenance of a hospital pursuant to the Special  
17 Hospital District Act;

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

20           W. purchases of promotional goods intended for  
21 resale by the tourism department;

22           X. procurement by or through the public education  
23 department from the federal department of education relating  
24 to parent training and information centers designed to  
25 increase parent participation; projects and initiatives

1 designed to improve outcomes for students with disabilities;  
2 and other projects and initiatives relating to the  
3 administration of improvement strategy programs pursuant to  
4 the federal Individuals with Disabilities Education Act;  
5 provided that the exemption applies only to procurement of  
6 services not to exceed two hundred thousand dollars  
7 (\$200,000); and

8 Y. contracts for investment advisory services,  
9 investment management services or other investment-related  
10 services entered into by the educational retirement board,  
11 the state investment officer or the retirement board created  
12 pursuant to the Public Employees Retirement Act."

13 Section 2. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is July 1, 2005. \_\_\_\_\_

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