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AN ACT

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

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  
collection services;

E. purchases of books, periodicals and training

1 materials in printed or electronic format from the publishers  
2 or copyright holders thereof and purchases of print, digital  
3 or electronic format library materials by public, school and  
4 state libraries for access by the public;

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

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

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

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

19 J. purchases not exceeding ten thousand dollars  
20 (\$10,000) consisting of magazine subscriptions, web-based or  
21 electronic subscriptions, conference registration fees and  
22 other similar purchases where prepayments are required;

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

25 L. the issuance, sale and delivery of public

1 securities pursuant to the applicable authorizing statute,  
2 with the exception of bond attorneys and general financial  
3 consultants;

4 M. contracts entered into by a local public body  
5 with a private independent contractor for the operation, or  
6 provision and operation, of a jail pursuant to Sections  
7 33-3-26 and 33-3-27 NMSA 1978;

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

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

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

21 Q. contracts with professional entertainers;

22 R. contracts and expenditures for legal  
23 subscription and research services and litigation expenses in  
24 connection with proceedings before administrative agencies or  
25 state or federal courts, including experts, mediators, court

1 reporters, process servers and witness fees, but not  
2 including attorney contracts;

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

9 T. works of art for museums or for display in  
10 public buildings or places;

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

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

22 W. purchases of promotional goods intended for  
23 resale by the tourism department;

24 X. procurement of printing, publishing and  
25 distribution services for materials produced and intended for

1 resale by the cultural affairs department;

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

13 Z. procurement of services from community  
14 rehabilitation programs or qualified individuals pursuant to  
15 the State Use Act;

16 AA. purchases of products or services for eligible  
17 persons with disabilities pursuant to the federal  
18 Rehabilitation Act of 1973;

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

23 CC. contracts for investment advisory services,  
24 investment management services or other investment-related  
25 services entered into by the educational retirement board,

1 the state investment officer or the retirement board created  
2 pursuant to the Public Employees Retirement Act;

3 DD. the purchase for resale by the state fair  
4 commission of feed and other items necessary for the upkeep  
5 of livestock;

6 EE. contracts entered into by the crime victims  
7 reparation commission to distribute federal grants to assist  
8 victims of crime, including grants from the federal Victims  
9 of Crime Act of 1984 and the federal Violence Against Women  
10 Act of 1994;

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

14 GG. procurement of services of commissioned  
15 advertising sales representatives for New Mexico magazine;  
16 and

17 HH. procurements exempt from the Procurement Code  
18 as otherwise provided by law." \_\_\_\_\_

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