The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 32

SENATE BILL 100, as amended

Introduced by

SENATOR WILLIAM F. BURT
CHAPTER 32

AN ACT

RELATING TO PROCUREMENT; EXEMPTING FROM THE PROCUREMENT CODE SERVICES OF ADVERTISING SALES REPRESENTATIVES FOR NEW MEXICO MAGAZINE.

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 2013, Chapter 40, Section 1 and by Laws 2013, Chapter 70, Section 6 and also by Laws 2013, Chapter 71, Section 1) 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 materials in printed or electronic format from the publishers or copyright holders thereof;

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

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

H. contracts with businesses for public school transportation services;

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

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

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

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

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

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

O. contracts and expenditures for services or items of tangible personal property 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;

Q. contracts with professional entertainers;

R. contracts and expenditures for legal subscription and research services and 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EH. procurements exempt from the Procurement Code as otherwise provided by law."
Approved by me this 3rd day of April, 2015