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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

1 materials in printed or electronic format from the publishers  
2 or copyright holders thereof;

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

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

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

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

17 J. purchases not exceeding ten thousand dollars  
18 (\$10,000) consisting of magazine subscriptions, web-based or  
19 electronic subscriptions, conference registration fees and  
20 other similar purchases where prepayments are required;

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

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

M. contracts entered into by a local public body

1 with a private independent contractor for the operation, or  
2 provision and operation, of a jail pursuant to Sections  
3 33-3-26 and 33-3-27 NMSA 1978;

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

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

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

17 Q. contracts with professional entertainers;

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

24 S. contracts for service relating to the design,  
25 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

1 in county improvement districts pursuant to Subsection L of  
2 Section 4-55A-12.1 NMSA 1978;

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

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

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

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

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

21 Y. procurement by or through the public education  
22 department from the federal department of education relating  
23 to parent training and information centers designed to  
24 increase parent participation, projects and initiatives  
25 designed to improve outcomes for students with disabilities  
and other projects and initiatives relating to the  
administration of improvement strategy programs pursuant to

1 the federal Individuals with Disabilities Education Act;  
2 provided that the exemption applies only to procurement of  
3 services not to exceed two hundred thousand dollars  
4 (\$200,000);

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

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

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

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

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

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

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

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

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

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