

FIFTY-SEVENTH LEGISLATURE  
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

March 21, 2025

Mr. Chair:

I propose to the SENATE FINANCE COMMITTEE the following amendments to

HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 19, as amended

1. Strike Senate Tax, Business and Transportation Committee Amendment 3.
2. On page 1, line 20, before "MAKING", insert "AMENDING A SECTION OF THE PROCUREMENT CODE; PROVIDING DUTIES OF THE STATE BOARD OF FINANCE;".
3. On page 1, line 24, strike "11" and insert in lieu thereof "13".
4. On page 10, line 12, after "project", insert ", subject to final approval by the state board of finance".
5. On page 10, line 17, after "the", insert "preliminary".
6. On page 14, line 13, strike "and".
7. On page 14, line 16, strike the period and insert in lieu thereof "; and".
8. On page 14, between lines 16 and 17, insert:  
  
"(15) provide project benchmarks or deliverables that

must be satisfied prior to the disbursement of public funds.".

9. On page 14, line 18, strike "is" and strike lines 19 and 20 and insert in lieu thereof "receives preliminary approval by the secretary, pursuant to Subsection C of Section 7 of the Trade Ports Development Act, and final approval by the state board of finance.".

10. On page 14, between lines 20 and 21, insert:

"F. The attorney general shall, as requested by the secretary, enforce a clawback or recapture provision in a public-private partnership agreement in the event of a default on the agreement.".

11. On page 16, line 24, after the first occurrence of "department", insert ", the state board of finance".

12. On page 17, between lines 7 and 8, insert:

**"SECTION 11. [NEW MATERIAL] EMPLOYMENT RESTRICTIONS.--**

**A. A private partner shall:**

(1) have no employee related to the secretary or another employee of the economic development department responsible for reviewing public-private partnership agreements; and

(2) not hire the secretary or another employee of the economic development department responsible for reviewing public-private partnership agreements within two years of separation from employment by the department.

B. Any person who knowingly and willfully violates the provisions of Subsection A of this section is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Subsection B of Section 30-1-6 NMSA 1978. An alleged violation of Subsection A of this section may be reported to the attorney general or a district attorney for enforcement.

**SECTION 12. [NEW MATERIAL] POWERS AND DUTIES OF THE STATE BOARD OF FINANCE.--**The state board of finance shall have the following powers and duties pursuant to the Trade Ports Development

Act:

A. the review and provision of final approval or disapproval of all public-private partnership agreements, pursuant to the requirements of Subsection D of Section 8 of that act;

B. approval of the disbursement of public funds from the trade ports development fund for a trade port project based on the private partner's satisfaction of project benchmarks or deliverables; and

C. promulgation of rules to carry out its duties pursuant to that act."

13. On page 24, between lines 1 and 2, insert:

"SECTION 14. Section 13-1-150 NMSA 1978 (being Laws 1984, Chapter 65, Section 123, as amended) is amended to read:

"13-1-150. MULTI-TERM CONTRACTS--SPECIFIED PERIOD.--

A. A multi-term contract for items of tangible personal property, construction or services except for professional services, in an amount under twenty-five thousand dollars (\$25,000), may be entered into for any period of time deemed to be in the best interests of the state agency or a local public body not to exceed four years; provided that the term of the contract and conditions of renewal or extension, if any, are included in the specifications and funds are available for the first fiscal period at the time of contracting. If the amount of the contract is twenty-five thousand dollars (\$25,000) or more, the term shall not exceed ten years, including all extensions and renewals, except that for a contract entered into pursuant to the Public Facility Energy Efficiency and Water Conservation Act the term shall not exceed twenty-five years, including all extensions and renewals. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor. If the contract is pursuant to a public-private partnership agreement pursuant to the Trade Ports Development Act, the contract term shall not exceed thirty years, including all extensions and renewals.

B. A contract for professional services may not exceed

four years, including all extensions and renewals, except for the following:

(1) services required to support or operate federally certified medicaid, financial assistance and child support enforcement management information or payment systems;

(2) services to design, develop or implement the taxation and revenue information management systems project authorized by Laws 1997, Chapter 125;

(3) a multi-term contract for the services of trustees, escrow agents, registrars, paying agents, letter of credit issuers and other forms of credit enhancement and other similar services, excluding bond attorneys, underwriters and financial advisors with regard to the issuance, sale and delivery of public securities, may be for the life of the securities or as long as the securities remain outstanding;

(4) services relating to the implementation, operation and administration of the Education Trust Act;

(5) services relating to measurement and verification of conservation-related cost savings and utility cost savings pursuant to the Public Facility Energy Efficiency and Water Conservation Act;

(6) services relating to the design and engineering of a state public works project:

(a) for a period not to exceed the requisite time for project completion and a subsequent warranty period; and

(b) upon approval of the secretary of finance and administration; ~~and~~

(7) services relating to the design and engineering of a regional water project with an estimated cost of more than five hundred million dollars (\$500,000,000):

(a) for a period not to exceed the requisite time for project completion and a subsequent warranty period; and

(b) upon approval of the secretary of finance and administration; and

(8) a contract for services pursuant to a public-private partnership agreement pursuant to the Trade Ports Development Act, which contract shall not exceed thirty years, including all extensions and renewals."

14. Renumber sections to correspond to these amendments.

Respectfully submitted,

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