

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 19

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

Patricia A. Lundstrom and Dayan Hochman-Vigil and Raymundo Lara  
and Tara L. Lujan and Joy Garratt

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; ENACTING THE TRADE PORTS  
DEVELOPMENT ACT; PROVIDING FOR THE DESIGNATION OF TRADE PORT  
DISTRICTS; ESTABLISHING CRITERIA FOR APPROVAL OF TRADE PORT  
PROJECTS; CREATING THE TRADE PORTS ADVISORY COMMITTEE AND  
SPECIFYING DUTIES; SPECIFYING DUTIES OF THE SECRETARY OF  
ECONOMIC DEVELOPMENT; ALLOWING PUBLIC PARTNERS TO ENTER INTO  
PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS TO FACILITATE DEVELOPMENT  
OF TRADE PORTS; CREATING THE TRADE PORTS DEVELOPMENT FUND;  
AUTHORIZING GRANTS AND LOANS; PROVIDING FOR DISTRIBUTIONS  
PURSUANT TO THE TAX ADMINISTRATION ACT; CHANGING A DISTRIBUTION  
OF THE MOTOR VEHICLE EXCISE TAX; ADDING AN EXEMPTION TO THE  
PROCUREMENT CODE; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** [NEW MATERIAL] SHORT TITLE.--Sections 1

.229003.4

underscoring material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material] = delete~~

1 through 10 of this act may be cited as the "Trade Ports  
2 Development Act".

3 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
4 Trade Ports Development Act:

5 A. "private partner" means an individual, a foreign  
6 or domestic corporation, a general partnership, a limited  
7 liability company, a limited partnership, a joint venture, a  
8 business trust, a public benefit corporation, a nonprofit  
9 entity or other private business entity or combination thereof;

10 B. "public partner" means the state and its  
11 branches, agencies, departments, boards, instrumentalities or  
12 institutions and all political subdivisions of the state and  
13 their agencies, instrumentalities and institutions, including a  
14 department, an agency, an institution of higher education, a  
15 board or a commission;

16 C. "public-private partnership" means an  
17 arrangement between one or more public partners and one or more  
18 private partners for the development of a trade port project  
19 pursuant to the Trade Ports Development Act;

20 D. "public-private partnership agreement" means a  
21 contract between one or more public partners and one or more  
22 private partners in connection with the development of a trade  
23 port project;

24 E. "secretary" means the secretary of economic  
25 development;

.229003.4

underscored material = new  
[bracketed material] = delete

1 F. "trade port" means a multimodal system of  
2 facilities and services in a given location with the logistical  
3 capacity to efficiently manage cargo and enhance national  
4 supply chain resiliency by facilitating the movement and  
5 redistribution of goods and commodities to other locations;

6 G. "trade port district" means a distinct  
7 geographic area subject to the approval of the secretary  
8 pursuant to Subsection B of Section 7 of the Trade Ports  
9 Development Act within which proposed trade port projects may  
10 be approved for grants or loans; and

11 H. "trade port project" means a project subject to  
12 the approval of the secretary pursuant to Subsection C of  
13 Section 7 of the Trade Ports Development Act creating or  
14 modifying infrastructure for the construction of buildings or  
15 other facilities that support the functions of a trade port  
16 within an approved trade port district.

17 SECTION 3. [NEW MATERIAL] TRADE PORT DISTRICTS--  
18 DESIGNATION CRITERIA.--

19 A. A private partner or a public partner may  
20 propose a specific geographic area for designation as a trade  
21 port district pursuant to Subsection B of Section 7 of the  
22 Trade Ports Development Act.

23 B. A proposed trade port district shall meet as  
24 many of the following criteria as feasible at the time of  
25 designation:

.229003.4

underscoring material = new  
~~[bracketed material] = delete~~

- 1 (1) designation by the United States  
2 department of transportation as a trade port regional  
3 infrastructure accelerator;
- 4 (2) the federal designation as a foreign-trade  
5 zone or subzone;
- 6 (3) the availability of services from the  
7 United States customs and border protection;
- 8 (4) proximity to a designated federal  
9 interstate highway or other four-lane vehicular highway;
- 10 (5) proximity to an established or planned  
11 trade port corridor system;
- 12 (6) proximity to a class 1 railroad line  
13 providing access to international border crossings and major  
14 markets and ports on the west coast, gulf coast and east coast  
15 of the United States;
- 16 (7) proximity to an airport that can provide  
17 national and international passenger and air freight service;
- 18 (8) existing infrastructure suitable for  
19 redevelopment or expansion through a trade port project;
- 20 (9) the availability of a qualified labor pool  
21 and partnership or collaborative that can address the workforce  
22 development needs consistent with job availability within the  
23 trade port district, including in a county with an unemployment  
24 rate higher than the unemployment rate of New Mexico;
- 25 (10) the beneficial impact of a trade port

.229003.4

underscored material = new  
~~[bracketed material] = delete~~

1 district designation on an economically disadvantaged or  
2 distressed community, including a county with a poverty rate  
3 greater than the poverty rate of New Mexico;

4 (11) the availability of land in a county with  
5 a population of one hundred thousand or fewer according to the  
6 most recent federal decennial census in parcels large enough to  
7 accommodate sufficient trade port projects to constitute an  
8 economically viable trade port;

9 (12) the availability of a public partner  
10 capable of coordinating development activities within the  
11 proposed trade port; and

12 (13) the ability to use state economic  
13 development incentive programs for trade port projects pursuant  
14 to:

15 (a) improvement districts pursuant to  
16 Chapter 3, Article 33 NMSA 1978;

17 (b) the Public Improvement District Act;

18 (c) the Tax Increment for Development  
19 Act;

20 (d) the Industrial Revenue Bond Act;

21 (e) the Local Economic Development Act;

22 and

23 (f) the Infrastructure Development Zone  
24 Act.

25 SECTION 4. [NEW MATERIAL] TRADE PORT PROJECTS--CRITERIA

.229003.4

underscoring material = new  
~~[bracketed material] = delete~~

1 FOR APPROVAL.--For all proposed trade port projects, in  
2 deciding whether to approve a proposed grant, loan and public-  
3 private partnership agreement, the secretary shall consider at  
4 least the following criteria:

5 A. the extent to which the proposed trade port  
6 project will further the development of a trade port;

7 B. whether the proposed trade port project complies  
8 with state and federal infrastructure planning;

9 C. the cost-effectiveness and financial feasibility  
10 of the proposed trade port project;

11 D. the net environmental impact of the proposed  
12 trade port project;

13 E. the technological feasibility of the proposed  
14 trade port project and the ability of the private partners and  
15 public partners to successfully implement the proposed trade  
16 port project;

17 F. the capacity of the public or private partner to  
18 manage the trade port project to completion, including the  
19 financial resources to satisfy any funding match requirements;

20 G. the projected time frame for completion of the  
21 proposed trade port project;

22 H. the potential qualification of the proposed  
23 trade port project for state and federal grants, loans and tax  
24 incentives;

25 I. the projected impact of the proposed trade port

.229003.4

underscored material = new  
[bracketed material] = delete

1 project on economic development within the state and relevant  
2 municipalities and counties; and

3 J. the possibility of state investment in the  
4 proposed trade port project pursuant to Section 7-27-5.15 NMSA  
5 1978.

6 SECTION 5. [NEW MATERIAL] TRADE PORTS ADVISORY  
7 COMMITTEE--CREATED--MEMBERSHIP.--

8 A. The "trade ports advisory committee" is created.  
9 The economic development department shall provide necessary  
10 administrative services to the committee.

11 B. The trade ports advisory committee is composed  
12 of:

13 (1) the secretary of economic development or  
14 the secretary's designee;

15 (2) the secretary of finance and  
16 administration or the secretary's designee;

17 (3) the secretary of energy, minerals and  
18 natural resources or the secretary's designee;

19 (4) the secretary of environment or the  
20 secretary's designee;

21 (5) a representative of the public regulation  
22 commission appointed by the commission;

23 (6) the secretary of transportation or the  
24 secretary's designee;

25 (7) the chief executive officer of the New

.229003.4

underscored material = new  
~~[bracketed material] = delete~~

1 Mexico finance authority or the chief executive officer's  
2 designee; and

3 (8) five public members appointed by the New  
4 Mexico legislative council who shall have experience in law,  
5 architecture, planning, utilities, transportation or economic  
6 development.

7 C. The public members appointed initially shall  
8 draw lots for staggered terms in such a way that two members  
9 shall serve for six years, two members shall serve for four  
10 years and one member shall serve for two years. Thereafter,  
11 the public members shall serve for six-year terms. A vacancy  
12 in a term of a public member of the trade ports advisory  
13 committee shall be filled by the New Mexico legislative council  
14 for the remainder of the original term.

15 D. The members shall select a chair, who shall be a  
16 public member and who shall serve a term of two years.

17 E. Members who are not public employees are  
18 entitled to per diem and mileage as provided in the Per Diem  
19 and Mileage Act but shall receive no other compensation,  
20 perquisite or allowance.

21 F. A member of the trade ports advisory committee  
22 shall not participate in or influence a decision by the  
23 committee in which that member has a conflict of interest,  
24 pecuniary interest or other disqualifying interest respecting a  
25 public-private partnership agreement or a trade port project

.229003.4



underscoring material = new  
~~[bracketed material] = delete~~

1 that is considered by the committee. All members of the  
2 committee shall certify annually and in writing compliance with  
3 this subsection.

4 SECTION 6. [NEW MATERIAL] TRADE PORTS ADVISORY

5 COMMITTEE--DUTIES.--The trade ports advisory committee has the  
6 following duties:

7 A. meet quarterly and at such other times as deemed  
8 necessary by the chair;

9 B. review and recommend approval, modification or  
10 disapproval of specific geographic areas to be designated as  
11 trade port districts;

12 C. review and recommend approval, modification or  
13 disapproval of proposed public-private partnership agreements  
14 for a trade port project;

15 D. recommend modification or termination of  
16 existing approvals or designations for failure to meet the  
17 requirements of the Trade Ports Development Act;

18 E. recommend the promulgation of rules establishing  
19 the application process and criteria for the approval of  
20 public-private partnership agreements in accordance with the  
21 provisions of the State Rules Act;

22 F. recommend approval or disapproval of  
23 applications for grants or loans from the trade ports  
24 development fund for trade port projects;

25 G. consult with state agencies on technical issues

.229003.4

underscored material = new  
~~[bracketed material] = delete~~

1 relevant to the trade ports advisory committee's consideration  
2 of an application; and

3 H. request updates to any technical information,  
4 including any annual certification, provided in connection with  
5 an approved application or designation.

6 SECTION 7. [NEW MATERIAL] POWERS AND DUTIES OF THE  
7 SECRETARY.--The secretary has the following powers and duties:

8 A. develop forms of application for approval of  
9 public-private partnerships;

10 B. review and approve, modify or disapprove  
11 specific geographic areas to be designated as trade port  
12 districts;

13 C. review and approve or disapprove proposed  
14 public-private partnership agreements for a trade port project;

15 D. modify or terminate existing approvals or  
16 designations for failure to meet the requirements of the Trade  
17 Ports Development Act;

18 E. adopt and promulgate rules establishing the  
19 application process and criteria for the approval of public-  
20 private partnership agreements, grants and loans in accordance  
21 with the provisions of the State Rules Act;

22 F. approve or disapprove applications for grants or  
23 loans from the trade ports development fund for trade port  
24 projects;

25 G. consult with the department of transportation on

.229003.4

underscored material = new  
[bracketed material] = delete

1 technical issues relevant to the secretary's consideration of  
2 an application, including compliance with the statewide  
3 transportation improvement program;

4 H. request updates to any technical information,  
5 including any annual certification, provided in connection with  
6 an approved application or designation; and

7 I. take all other actions necessary to implement  
8 the Trade Ports Development Act, including entering into joint  
9 powers agreements and retaining legal counsel and experts when  
10 appropriate.

11 SECTION 8. [NEW MATERIAL] PUBLIC-PRIVATE PARTNERSHIP  
12 AGREEMENTS--APPROVAL REQUIREMENTS--RESTRICTIONS.--

13 A. To provide economic and administrative  
14 efficiencies in connection with the development of trade port  
15 projects, a public partner is authorized to enter into public-  
16 private partnership agreements.

17 B. Prior to entering into negotiations regarding  
18 the use of a public-private partnership agreement as a method  
19 of implementing a proposed trade port project, the public  
20 partner shall publish in a newspaper of general circulation its  
21 interest in considering such an agreement, and such publication  
22 shall include a description of the scope of the proposed trade  
23 port project.

24 C. Prior to entering into a public-private  
25 partnership agreement, a public partner shall:

.229003.4

underscoring material = new  
~~[bracketed material]~~ = delete

1 (1) undertake a cost-benefit analysis of a  
2 public-private partnership trade port project in comparison  
3 with a traditional public partner-managed project;

4 (2) conduct a public hearing relating to the  
5 proposed public-private partnership held in accordance with the  
6 Open Meetings Act;

7 (3) demonstrate that the proposed trade port  
8 project serves an important public purpose and fulfills an  
9 important public need; and

10 (4) demonstrate that the proposed trade port  
11 project will comply with applicable state and federal law.

12 D. A public-private partnership agreement shall:

13 (1) define the roles and responsibilities of  
14 the public partners and the private partners;

15 (2) provide clawback or recapture provisions  
16 that protect the public investment in the event of a default on  
17 the agreement;

18 (3) provide a finance plan detailing the  
19 financial contributions and obligations of the public partners  
20 and the private partners;

21 (4) require a private partner to provide, or  
22 cause to be provided, performance and payment bonds as required  
23 pursuant to Section 13-4-18 NMSA 1978;

24 (5) require a private partner to provide  
25 guarantees, letters of credit or other acceptable forms of

.229003.4

underscoring material = new  
~~[bracketed material] = delete~~

1 security, the amount of which may be less than one hundred  
2 percent of the value of the proposed trade port project based  
3 on the determination of the public partner, or for public-  
4 private partnership agreements requiring approval pursuant to  
5 the Trade Ports Development Act, based on the determination by  
6 the secretary;

7 (6) specify how revenue will be collected,  
8 accounted for and audited;

9 (7) specify how debts incurred on behalf of  
10 the public partner or private partner will be repaid;

11 (8) address how the public partners and  
12 private partners will share the management and risks of the  
13 trade port project;

14 (9) provide that, in the event of an uncured  
15 default, the public partner may:

16 (a) elect to take over the trade port  
17 project, including the succession of all right, title and  
18 interest in or to the project, subject to any liens on revenue  
19 previously granted by the private partner; and

20 (b) terminate the public-private  
21 partnership and exercise any other rights and remedies that may  
22 be available, where such right to terminate may also be  
23 exercised by the secretary if the secretary finds it is in the  
24 public interest to do so;

25 (10) specify the term of the public-private

.229003.4

underscoring material = new  
[bracketed material] = delete

1 partnership agreement, which shall not exceed thirty years;

2 (11) limit a private partner from seeking  
3 injunctive or other equitable relief to in any way restrict a  
4 public partner from developing, constructing or maintaining a  
5 trade port project, except that the public-private partnership  
6 agreement may provide for reasonable compensation to the  
7 private partner for an adverse effect resulting from  
8 development, construction, operation and maintenance of another  
9 trade port project of a public partner;

10 (12) provide for the protection of proprietary  
11 information of the private partner; and

12 (13) provide provisions for termination of the  
13 public-private partnership agreement, including the cessation  
14 of the powers and duties of the private partner.

15 E. A public-private partnership agreement for a  
16 trade port project shall not become effective until it is  
17 approved by the secretary pursuant to Subsection C of Section 7  
18 of the Trade Ports Development Act.

19 SECTION 9. [NEW MATERIAL] TRADE PORTS DEVELOPMENT FUND  
20 CREATED.--

21 A. The "trade ports development fund" is created in  
22 the state treasury. The fund consists of appropriations,  
23 gifts, grants, donations, income from investment of the fund,  
24 payments of principal and interest on loans made from the  
25 fund and any other money distributed or otherwise allocated to

.229003.4

underscored material = new  
~~[bracketed material]~~ = delete

1 the fund. Income from the fund shall be credited to the fund.  
2 Money in the fund shall not revert or be transferred to any  
3 other fund at the end of a fiscal year.

4 B. The economic development department shall  
5 administer the fund. Money in the fund is appropriated to the  
6 economic development department for the purposes of carrying  
7 out the provisions of the Trade Ports Development Act,  
8 including the planning, renovation or construction of trade  
9 ports and associated facilities and infrastructure.  
10 Disbursements from the fund shall be made by warrant of the  
11 secretary of finance and administration pursuant to vouchers  
12 signed by the secretary of economic development or the  
13 secretary's authorized representative.

14 C. Money in the trade ports development fund may be  
15 used to make grants of up to two hundred fifty thousand dollars  
16 (\$250,000) to a public partner for the purposes of studying the  
17 costs and benefits of entering into a public-private  
18 partnership for a proposed trade port project.

19 D. Money in the trade ports development fund may be  
20 used to provide grants and loans for financing a trade port  
21 project through a public-private partnership agreement;  
22 provided that:

23 (1) the private partner shall provide funds  
24 that match or exceed the public partner's monetary obligation  
25 for the public-private partnership agreement, as provided by

.229003.4

underscored material = new  
[bracketed material] = delete

1 rule; and

2 (2) the public partner certifies to the  
3 secretary that the public partner has taken all action  
4 necessary to approve the public-private partnership agreement  
5 and that the agreement contains all terms and conditions  
6 required by Subsection D of Section 8 of the Trade Ports  
7 Development Act.

8 E. Money in the trade ports development fund may be  
9 used pursuant to Subsections B and C of this section only for  
10 grants or loans to a public partner for a trade port project.

11 F. Money in the trade ports development fund may be  
12 used for grants or loans to an Indian nation, tribe or pueblo  
13 that has entered into a partnership with a private partner for  
14 the development of a trade port project only if:

15 (1) the agreement between the Indian nation,  
16 tribe or pueblo and the private partner is approved by the  
17 secretary; and

18 (2) the grant or loan application is approved  
19 by the secretary.

20 G. Money in the trade ports development fund may be  
21 used for administrative and reimbursable costs incurred by the  
22 economic development department and the department of  
23 transportation, subject to the legislative appropriation  
24 process.

25 SECTION 10. [NEW MATERIAL] REPORT.--By December 1, 2025,  
.229003.4



underscoring material = new  
[bracketed material] = delete

1 and by December 1 of each year thereafter, the secretary shall  
2 provide a report to the governor and the legislative finance  
3 committee regarding:

4 A. trade port districts and trade port projects  
5 approved by the secretary;

6 B. a description of the businesses and industries  
7 participating in each approved trade port district and trade  
8 port project;

9 C. grant and loan applications approved by the  
10 secretary;

11 D. public-private partnership agreements approved  
12 by the secretary;

13 E. the status of the trade ports development fund;  
14 and

15 F. any recommended changes to the Trade Ports  
16 Development Act.

17 SECTION 11. A new section of the Tax Administration Act  
18 is enacted to read:

19 "[NEW MATERIAL] DISTRIBUTION--GROSS RECEIPTS TAX--TRADE  
20 PORTS DEVELOPMENT FUND.--Prior to July 1, 2035, a distribution  
21 pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the  
22 trade ports development fund in an amount equal to one percent  
23 of the net receipts attributable to the gross receipts tax  
24 after distributions have been made pursuant to Sections  
25 7-1-6.46 and 7-1-6.47 NMSA 1978."

.229003.4

underscored material = new  
[bracketed material] = delete

1           SECTION 12. Section 7-14-10 NMSA 1978 (being Laws 1988,  
2 Chapter 73, Section 20, as amended) is amended to read:

3           "7-14-10. DISTRIBUTION OF PROCEEDS.--The receipts from  
4 the tax and any associated interest and penalties shall be  
5 deposited in the "motor vehicle suspense fund", hereby created  
6 in the state treasury. As of the end of each month, the net  
7 receipts attributable to the tax and associated penalties and  
8 interest shall be distributed as follows:

9           A. [fifty-nine] prior to July 1, 2035:

10                   (1) fifty-five and thirty-nine hundredths  
11 percent to the general fund;

12                   ~~[B.]~~ (2) twenty-one and eighty-six hundredths  
13 percent to the state road fund; ~~[and]~~

14                   ~~[C.]~~ (3) eighteen and seventy-five hundredths  
15 percent to the transportation project fund; and

16                   (4) four percent to the trade ports  
17 development fund; and

18           B. on and after July 1, 2035:

19                   (1) fifty-nine and thirty-nine hundredths  
20 percent to the general fund;

21                   (2) twenty-one and eighty-six hundredths  
22 percent to the state road fund; and

23                   (3) eighteen and seventy-five hundredths  
24 percent to the transportation project fund."

25           SECTION 13. Section 13-1-98 NMSA 1978 (being Laws 1984,

.229003.4

underscored material = new  
~~[bracketed material]~~ = delete

1 Chapter 65, Section 71, as amended by Laws 2023, Chapter 149,  
2 Section 2 and by Laws 2023, Chapter 174, Section 1) is amended  
3 to read:

4 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The  
5 provisions of the Procurement Code shall not apply to:

6 A. procurement of items of tangible personal  
7 property or services by a state agency or a local public body  
8 from a state agency, a local public body or external  
9 procurement unit except as otherwise provided in Sections  
10 13-1-135 through 13-1-137 NMSA 1978;

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

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

17 D. purchases of publicly provided or publicly  
18 regulated gas, electricity, water, sewer and refuse collection  
19 services;

20 E. purchases of books, periodicals, instructional  
21 materials and training materials in printed, digital or  
22 electronic format from the publishers, designated public-  
23 education-department-approved instructional material  
24 depositories or copyright holders thereof and purchases of  
25 print, digital or electronic format library materials by

.229003.4

underscored material = new  
~~[bracketed material] = delete~~

1 public, school and state libraries for access by the public;

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

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

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

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

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

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

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

.229003.4

underscored material = new  
~~[bracketed material] = delete~~

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

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

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

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

18 Q. contracts with professional entertainers;

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

25 S. contracts for service relating to the design,

.229003.4

underscoring material = new  
~~[bracketed material] = delete~~

1 engineering, financing, construction and acquisition of public  
2 improvements undertaken in improvement districts pursuant to  
3 Subsection L of Section 3-33-14.1 NMSA 1978 and in county  
4 improvement districts pursuant to Subsection L of Section  
5 4-55A-12.1 NMSA 1978;

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

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

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

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

20 X. procurement of printing, publishing and  
21 distribution services for materials produced and intended for  
22 resale by the cultural affairs department;

23 Y. procurement by or through the public education  
24 department from the federal department of education relating to  
25 parent training and information centers designed to increase

.229003.4

underscoring material = new  
~~[bracketed material] = delete~~

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

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

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

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

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

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

.229003.4

underscoring material = new  
[bracketed material] = delete

1 EE. contracts entered into by the crime victims  
2 reparation commission to distribute federal grants to assist  
3 victims of crime, including grants from the federal Victims of  
4 Crime Act of 1984 and the federal Violence Against Women Act of  
5 1994;

6 FF. procurement by or through the early childhood  
7 education and care department of early pre-kindergarten and  
8 pre-kindergarten services purchased pursuant to the Pre-  
9 Kindergarten Act;

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

12 HH. contracts entered into by the forestry division  
13 of the energy, minerals and natural resources department to  
14 distribute federal grants to nongovernmental entities and  
15 individuals selected through an application process conducted  
16 by the United States department of agriculture, the United  
17 States department of the interior or any division or bureau  
18 thereof for programs for wildfire prevention or protection,  
19 urban forestry, forest and watershed restoration and  
20 protection, reforestation or economic development projects to  
21 advance the use of trees and wood biomass for hazardous fuel  
22 reduction; [~~and~~]

23 II. agreements and contracts entered into pursuant  
24 to the Trade Ports Development Act; and

25 [~~II.~~] JJ. procurements exempt from the Procurement

.229003.4



underscoring material = new  
~~[bracketed material] = delete~~

1 Code as otherwise provided by law."

2 SECTION 14. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 2025.

4 - 25 -

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25