

LFC Requester:

Simon Joseph

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)****(Analysis must be uploaded as a PDF)****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** 02/01/2025*Check all that apply:***Bill Number:** HB 229Original ☒ Correction ☐Amendment ☐ Substitute ☐

**Sponsor:** Randall T. Pettigrew  
Jimmy G. Mason  
John Block

**Short Title:** Transparency in Government Contracting

**Agency Name****and Code**State Ethics Commission (410)**Number:****Person Writing**Amelia Bierle**Phone:** 505-554-7706**Email** Amelia.Bierle@sec.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

| Appropriation |      | Recurring<br>or Nonrecurring | Fund<br>Affected |
|---------------|------|------------------------------|------------------|
| FY26          | FY27 |                              |                  |
|               |      |                              |                  |
|               |      |                              |                  |

**REVENUE (dollars in thousands)**

| Estimated Revenue |      |      | Recurring<br>or<br>Nonrecurring | Fund<br>Affected |
|-------------------|------|------|---------------------------------|------------------|
| FY26              | FY27 | FY28 |                                 |                  |
|                   |      |      |                                 |                  |
|                   |      |      |                                 |                  |

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

|              | FY26 | FY27 | FY28 | 3 Year<br>Total Cost | Recurring or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|------|------|----------------------|------------------------------|------------------|
| <b>Total</b> |      |      |      |                      |                              |                  |

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

#### **Synopsis:**

House Bill 229 enacts a new statutory framework, the *Transparency in Government Contracting Act* (Sections 1–4), establishing new public disclosure, reporting, and enforcement requirements for government contracting and grant-related activities by state agencies and political subdivisions.

The act requires government agencies to make publicly available, through searchable online web pages, invitations for bids, requests for proposals, requests for information, and other contract solicitations no later than one week after solicitation (Section 3(A)(1)). Agencies must update contracting information at least monthly, disclose emergency and sole-source contracts (Section 3(A)(5)), identify a custodian of records (Section 3(A)(3)), and provide the Department of Information Technology with current links to their contracting transparency pages (Section 3(A)(4)). Protected information is expressly excluded from disclosure requirements (Section 3(B)).

The act establishes new enforcement mechanisms, authorizing the attorney general, district attorneys, or private individuals to seek judicial enforcement (Section 4(B)–(C)), and provides that contracts knowingly and willfully executed in violation of the act are presumed invalid (Section 4(A)).

In addition to creating a new act, HB 229 amends existing law governing the Sunshine Portal (Section 5, amending Section 10-16D-3 NMSA 1978). The amendment requires the Department of Information Technology to include, within the Sunshine Portal, a directory of links to each government agency’s contracting transparency web page established under the new act. The effective date of the bill is July 1, 2026 (Section 6).

### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

### **SIGNIFICANT ISSUES**

### **PERFORMANCE IMPLICATIONS**

### **ADMINISTRATIVE IMPLICATIONS**

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB 229 establishes a new statutory framework governing public disclosure of government contracting activity. Existing procurement requirements under the Procurement Code already

govern solicitation procedures, emergency procurements, and sole-source contracts. To the extent the bill imposes additional posting, timing, or disclosure requirements, agencies may be required to comply with both the Procurement Code and the new Transparency in Government Contracting Act.

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

### **Expanded enforcement and litigation exposure:**

The bill authorizes enforcement by the attorney general, district attorneys, and private individuals through district court actions (Section 4(B)–(C)), potentially increasing enforcement actions and compliance risk.

### **Administrative and compliance burden:**

Agencies are required to create and maintain searchable online contracting pages, update information at least monthly, and coordinate links with the Department of Information Technology (Section 3(A)). These requirements increase ongoing administrative responsibilities, particularly for smaller agencies and political subdivisions.

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**