NOTICE OF RULEMAKING

The Department of Finance and Administration has scheduled a public hearing for the proposed New Mexico Administrative Code (NMAC) rule 2.91.4, *Anti-Donation Compliance Requirements.* The proposed rule seeks to: Establish statewide standards to ensure that capital outlay appropriations comply with the Anti-Donation Clause of the New Mexico Constitution

Notice Date: 11/17/2026
Hearing Date: 12/18/2026
Adoption Date: Proposed as December 18, 2026
Technical Citations: 2.91.4 NMAC

The Department proposes the new rule as follows:
The proposed rule establishes anti-donation compliance requirements for all entities receiving or administering capital outlay or special purpose appropriations that involve non-governmental entities acquiring, constructing, using, leasing, or operating public assets. The rule sets requirements for fair market value compensation, procurement compliance, private-use restrictions, lease and operating agreements, documentation, DFA approval, and the consequences of noncompliance.

These proposed rules will be contained in 2.91.4 NMAC. The register and the proposed rule are available on the DFA website at https://www.nmdfa.state.nm.us/. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting DFA's General Counsel's office at dfalegal@dfa.nm.gov.

The DFA plans to adopt this rule on December 18, 2026.

A public hearing to receive testimony on this proposed rule will be held on 12/18/2026, at 3:00pm. The hearing will be held at Mabry Hall in the Jerry Apodaca Education Building, 300 Don Gaspar Avenue, Santa Fe, New Mexico 875011, and via Microsoft Teams.

Join Microsoft Teams Meeting
Link: https://teams.microsoft.com/meet/2342685798275674?p=8kpfXCEGCNsF2Wh4qf
Meeting ID: 234 268 579 827 567 4
Passcode: A8UU9V8Z

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact our staff to discuss your accessibility needs at least one week prior, or as soon as possible, by emailing the Department of Finance and Administration, General Counsel Office at: dfalegal@dfa.nm.gov or 505-827-3985.

DFA will make copies of all comments available upon request, either by providing copies directly to a requestor or by making them available on the DFA website or at a location within the requestor's county.

Interested persons may address written comments to:
Department of Finance and Administration, Office of General Counsel
ATTN: 2.91.15 NMAC Public Comments
407 Galisteo St.
Bataan Memorial Building
Santa Fe, NM 87501

Recorded comments may be left at *(505) 827-3985*. Interested persons may also address comments via electronic mail to: dfalegal@dfa.nm.gov. Written mail, electronic mail, and recorded comments must be received no later than 5:00 p.m. MT on 12/17/2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the DFA website at https://www.nmdfa.state.nm.us/ along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.