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SENATE BILL 133

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Carrie Hamblen

AN ACT

RELATING TO TRANSPORTATION; REQUIRING THAT THE DEPARTMENT OF
TRANSPORTATION ADMINISTER A DISADVANTAGED BUSINESS ENTERPRISE
PROGRAM AND EXPEND NO LESS THAN THIRTY PERCENT OF PROGRAM-
ELIGIBLE FEDERALLY ASSISTED CONTRACT FUNDS WITH DISADVANTAGED
BUSINESS ENTERPRISES.

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

SECTION 1. A new section of Chapter 67 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] DISADVANTAGED BUSINESS ENTERPRISE
PROGRAM--REQUIREMENTS.--

A. The department shall administer the
disadvantaged business enterprise program provided by federal
law and shall expend no less than thirty percent of federally
assisted contract funds eligible for the disadvantaged business

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

1 enterprise program with certified disadvantaged business
2 enterprises.

3 B. As used in this section:

4 (1) "certified disadvantaged business
5 enterprise" means a business certified pursuant to federal law
6 by the department as a small business:

7 (a) that performs or seeks to perform
8 transportation-related work;

9 (b) that is at least fifty-one percent
10 owned by one or more persons who are socially and economically
11 disadvantaged or, in the case of a corporation, in which fifty-
12 one percent of the stock is owned by one or more such persons;
13 and

14 (c) whose management and daily business
15 operations are controlled by one or more of the socially and
16 economically disadvantaged persons who own it; and

17 (2) "federally assisted contract" means a
18 contract between a recipient and a contractor funded in whole
19 or in part with financial assistance from the United States
20 department of transportation, including letters of credit or
21 loan guarantees, except a contract solely for the purchase of
22 land."