

## NOTICE OF PROPOSED RULEMAKING

**Public Notice:** The New Mexico Council for Purchasing from Persons with Disabilities will hold a public hearing on Wednesday, October 8, 2025, at approximately 2:00 p.m. during the regular council meeting. The hearing will be held as an agenda item during the regular monthly council meeting. The meeting will be held in person at the New Mexico Commission for the Blind, 2200 Yale Blvd SE, Albuquerque NM 87106 and additionally may be attended by the public by Zoom meeting as detailed by the published meeting announcement.

**Purpose of Rule Hearing:** The purpose of the public hearing is to receive public input on the proposed rescission and replacement of NMAC Title 2, Chapter 40, Part 5.

**Statutory Authority:** Section 13-1C-1 through Section 13-1C-7, NMSA 1978.

**Purpose of the Proposed Amendments:** The purpose of these changes is to ensure clarity and consistency of definitions and references to the State Use Act.

**Summary of Proposed Changes to 2.40.5 NMAC** Repeal and replacement of this rule is required under 1.24.11.9 NMAC. Replacement of the amended rule is to allow for consistency in referencing Chapter 14, Article 4 NMSA 1978, the "State Rules Act", enable more concise language in descriptions, definition of brokering, and addition of applicable federal laws under requests received under the Inspection of Records Act (IPRA).

The only sections of replacement rule 2.40.5 NMAC to be amended and updated are:

Section 7, subsections B, paragraph (3) of E, F, H, I, & J;  
Section 8, subsection C;  
Section 10, subsection F, paragraph (10);  
All of Section 11;  
Section 15, subsections B through D; and  
New Section 16, which has the new IPRA language.

**Copies of and how to Comment on the Proposed Rules:** Access to amended rule to be rescinded and proposed replacement rule for review and public comment addressing the proposed rule changes can be found at <https://horizonsofnewmexico.org/council-meetings/#nmac-information>. Comment forms are available at that page for completion and submission. All forms must include the commenter's name and contact information. Written mail and electronic mail must be received no later than 5:00 p.m. MST on September 30, 2025. Written comments will be given the same consideration as oral comments made at the public hearing. All written comments received will be posted as they are received on the website at <http://horizonsofnewmexico.org/council-meetings/#nmac-information> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter. All written comments will be posted on the website within (3) three days of receipt.

**Special Needs:** Individuals who require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Kathleen Pinyan at [pinyan.nmpurcouncil@proton.me](mailto:pinyan.nmpurcouncil@proton.me) as soon as possible to allow adequate time to provide the requested accommodation(s).