

**The Joint Trade Ports Advisory and  
Strategic Economic Development Site Advisory Committees Meeting**

**Friday April 10, 2026  
9:00 AM**

**Microsoft Teams Meeting**

**Join: <https://teams.microsoft.com/meet/23104025441921?p=Hh8PaKoxPp2VNrKzs4>**

**Meeting ID: 231 040 254 419 21**

**Passcode: Jr3bi3ZC**

**Dial in by phone**

**[+1 505-312-4308](tel:+15053124308),[125053456](tel:+125053456)# United States, Albuquerque**

**TRADE PORTS MEETING AGENDA**

- |  |                    |
|--|--------------------|
| <b>1. Call to Order &amp; Roll Call</b>                              | <b>Action Item</b> |
| <b>2. Approval of Agenda</b>   | Yes                |
|  | <b>Action Item</b> |
| <b>3. Approval of Minutes</b>  |                    |
| 3.1 Joint Meeting Agenda 1/9/2026                                    | Yes                |
| 3.2 Trade Ports 1/9/2026   | Yes                |
|  | <b>Action Item</b> |
| <b>4. Public Comment</b>   | No                 |
|  | <b>Action Item</b> |
| <b>5. Other Business</b>   |                    |
| 5.1 Update on Proposed Rulemaking Hearing Trade Ports                | Yes                |
| 5.2 Vote to Adopt Trade Ports Rules                                  | Yes                |
| 5.3 Jonathan Macias Discussion: P3C Annual Infrastructure Conference | No                 |

## 6. Adjourn

### Members:

Priscilla Lucero	Public Member, Executive Director, Southwest New Mexico Council of Governments – <b>Chair Site Readiness</b>
Lucinda Vargas	Public Member, College Professor of Economics, Applied Statistics, and International Business at NMSU- <b>Vice Chair Site Readiness</b>
Hilma Chynoweth	Public Member, Director of Strategic Development– <b>Chair Trade Ports</b>
Alex Nellos	Public Member, Registered Architect - <b>Vice Chair Trade Ports</b>
Mario Juarez- Infante	Public Member, City Manager of Sunland Park
Rob Black	Secretary, Economic Development Department
David Quintana	Acting Secretary, Department of Transportation
Jim Kenney	Secretary, Environment Department
Erin Taylor	Acting Secretary, Energy, Minerals, and Natural Resources Department
Marquita Russel	CEO, New Mexico Finance Authority
Gabriella Dasheno	Deputy Utility Division Director, Public Regulation Commission
Jonathan Macias	Designee, Department of Finance and Administration (ex officio)

### List of Staff:

Brian Schath, Jackie Thornburg, Michaeleen Ramirez, Joshua Smith



**The Joint Trade Ports Advisory and  
Strategic Economic Development Site Advisory Committees  
Meeting Friday January 9, 2026  
1:00 PM**

**1. Call to Order & Roll Call**

Meeting was called to order at 1:00 pm by Secretary Rob Black

In-person participating Attendees:

Secretary Rob Black, Economic Development Department

Secretary Jim Kenney (Designee Brian Schath), Environment Department

Acting Secretary Erin Taylor, Energy, Minerals, and Natural Resources Department

Marquita Russel, CEO, New Mexico Finance Authority

Jonathan Macias, Designee, Department of Finance and Administration

Gabriella Dasheno, Deputy Utility Division Director, Public Regulation Commission

Alex Nellos, Public Member, Registered Architect, SMPC Architects Principal

Hilma Chynoweth, Public Member, Director of Strategic Development

Lucinda Vargas, Public Member, College Professor of Economics, Applied Statistics, and  
International Business at NMSU

Mario Juarez-Infante, Public Member, City Manager of Sunland Park

Priscilla Lucero, Public Member, Executive Director, Southwest New Mexico Council of  
Governments.

Absent: Secretary Ricky Serna, Secretary, Department of Transportation

\* Quorum Established

Other In Person Attendees:

Sara Gutierrez

Deputy Secretary Isaac Romero

Lienshin Wang Offermann

Lauren Mellister

Jackie Thornburg

Sophie O'Dempsey

Michaelleen Ramirez

Kate Graham

Online attendees:

Lorraine Ruggles

Paige Ryan

Carolyn J. Tobias

Joy Garratt

Jim Lucero, EDD

Kevin Wilson, EDD

Greg Foltz

Elizabeth Waldrip, EDD

Jennifer Myers, EDD

Camila Gutierrez Writtenberry

Julisa Rodriguez

Rebecca Hansana, EDD  
Tim Hagaman, EDD  
Patty Lundstrom  
Jeff Kiely  
Gutierrez, Sara, EDD  
Bruce Armstrong  
Anthony Dimas Jr  
Wilfred Noble  
Marco Gonzales  
Greenberg, Alex, GOV  
Macias, Jonathan, DFA  
Michael Cleary  
Cathy Becker  
Joseph Arnke  
Ron Bertasi

## **2. EDD Cabinet Secretary Report**

Secretary Black explains the process for the meeting and how the terms of the officers will work. He reminds attendees that the Chairs for the Committees must be members of the Public and not a designated Administrative Representative. Draft Rules will be submitted for a 30 day review and after 30 days there will be a public hearing to get additional input on the rules and then the Rules will go back to the Commissions. The lot draws will be representative of each position on BOTH committees.

## **3. Draw Lots for Staggered Terms**

Two members shall serve for six years, two members shall serve for four years, and one member shall serve for two years. The following draws were completed:

Alex Nellos- Two Years  
Hilma Chynoweth- Six Years  
Lucinda Vargas- Six Years  
Mario Juarez-Infante- Four Years  
Priscilla Lucero- Four Years

## **4. Introductions and Overview:**

Secretary Black explains what Senate Bill 169 – Strategic Economic Development Site Readiness and House Bill 19 – Trade Ports Development Act are. He reminds attendees that a total of \$74 million dollars will be allocated and distributed by the Committees into New Mexico with the goal of growing prosperity and enhancing competitiveness and economic opportunities in the state of NM.

Annual Reporting Requirements will be required from both Commissions to be reported back to the Legislature such as what investments are being made and how much is being spent. Secretary Black states that the Economic Development Department (EDD) will lead those efforts and the Commissions will be able to review the reports.

## **5. GURU GIS Website Demonstration: SB 169 Site Features**

GIS presents a demonstration of the new Website which is an interactive and up to date map of available land lots that includes functionality to stage them for particular uses or targeted industries.

## **6. Discuss Regular Meeting Schedule:**

Secretary Rob Black verbally reviews the schedules and states that the meetings will be virtual and will follow Public Meetings requirements. He also states that EDD will be responsible for the minutes and recordings.

a. Joint – Quarterly Proposed Dates and Times.

- Q1: Jan 9, 2026 — 1:00–4:00 PM
- Q2: Apr 10, 2026 — 9:00 AM Start
- Q3: Jul 10, 2026 — 9:00 AM Start
- Q4: Oct 9, 2026 — 9:00 AM Start

b. Site Readiness Advisory Committee Only

- Thursday, January 22, 2026- 2:00pm
- Tuesday, February 18, 2026- 2:00pm
- Wednesday, March 18, 2026- 2:00pm

**7. Dissolve Joint Committee**

Motion: Hilma Chynoweth

Second: Erin Taylor

Meeting dissolved at 1:24 pm

Secretary Rob Black presents information regarding receipt of letters from Gallup McKinley County and Bernalillo County interested in a trade port area and states that the letters will be sent to the Board members for review so that they can make a future decision on providing financial support regarding the requests.

Secretary Black reminds the Board members that they are eligible for per diem for their travel to the meetings

Secretary Black also reminds the Board that Public Comment is not on the Agenda so the opportunity for that needs to be provided before the meeting adjourns. The Chair asks for public comment and there is no one asking for that opportunity.

Priscilla Lucero asks how the information for site readiness and trade port will be dispersed to the communities and Deputy Secretary Isaac Romero states that the Regional Reps will be the points of contact for that.

## **8. Adjourn Trade Ports Advisory Committee**

Motion: Brian Schath

Second: Lucinda Vargas

Meeting adjourned at 2:39 pm

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Chair

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Date

**Trade Ports Advisory Committee Meeting  
Friday January 9, 2026**

**1. Call to Order & Roll Call**

Secretary Rob Black calls the meeting to order at 1:48 pm and Jackie Thornberg does a roll call.

**2. Approval of Agenda (Action Item)**

Motion: Brian Schath

Second: Mario Juarez- Infante

Roll Call votes are conducted, and the approval unanimously passes

**3. Election of Chair and Vice Chair (Action Item)**

Chair (2 years)

Hilma Chynoweth nominates herself

Brian Schath, Jonathan Macias, and Priscilla Lucero seconds the nomination

Roll Call votes are conducted, and the nomination unanimously passes

Vice Chair (2 years)

Alex Nellos nominates herself

Hilma Chynoweth seconds the nomination

Roll Call votes are conducted, and the nomination unanimously passes

**4. Approval of Meeting Schedule (Action Item)**

Motion: Jonathan Macias

Second: Secretary Rob Black

Roll Call votes are conducted, and the approval unanimously passes

**5. Adoption of Open Meetings Act Resolution (Action Item)**

Document provided to the Board in person. Mario Juarez-Infante suggested that the Resolution be revised to include a number in case there are future resolutions that need to be presented and adopted. The Board agrees to revise the Resolution to “Resolution 2026-1”

Motion: Lucinda Vargas

Second: Marquita Russel

Roll Call votes are conducted, and the adoption unanimously passes

**6. Review and Adoption of Draft of Rules (Action Item)**

Mario Juarez- Infante suggests approving them as a draft so that the Board has more time to review them and make changes to them, if necessary.

Motion: Priscilla Lucero

Second: Brian Scheth

Roll Call votes are conducted, and the draft adoption unanimously passes

**7. Other Business**

#	Comment
	<b>General Comments</b>
1	Finance is not promulgating rules through this rulemaking notwithstanding the fact it has authority to do so under 9-15F-12 of the Act. Coordination between EDD and Finance is required to avoid conflict and jurisdictional issues.
2	References to policies that may be established by the secretary at some future point are better detailed in the rule, or it should be clear where such policies may be located. The Rule must capture the policy. In addition, the Rule should set forth the process the Secretary will use to establish policies in certain areas, including for the prioritization of loan and grant applications, and whether there will be an opportunity to comment on the prioritization policies, including whether prioritization will weigh the needs of the trade port districts that serve disadvantaged communities.
3	The Act, e.g. Section 7(C), displays fundamental ambiguity regarding whether a trade port project can occur without a p3 agreement.
4	Does the Act permit a trade port project to be undertaken only by a public entity (i.e., with no p3 agreement as a component)? See, compare, and contrast Sections 2(H), 4(E), 7(C), 8(C)(1), 8(C)(4), 8(D)(110, and 9(E).
5	Additional content should be provided for the definition of a trade port. For example, whether two modes sufficient for the "multimodal system"? Likewise, by what criteria is "logistical capacity" to be judged?
6	What is the difference between an "arrangement" in Section 2(C) and an "agreement" in Section 2(D)? Presumably, the legislature intended there to be a difference because it used different words. The definitions of public-private partnership and public-private partnerships agreement again raise the question of whether there can be a trade port project without a p3 agreement.
7	It would be helpful to make clear that political subdivisions of the state include counties and cities.
8	Clarification is needed as to whether the cost-benefit analysis must show that the p3 agreement will be less expensive, more efficient, or otherwise superior to a traditional public-partner-managed project.
9	The rule should address Section 8(D)(5) "other acceptable forms of security" and clarify what, if any, public-private partnership agreements don't require approval from the secretary.
10	Clarification is needed as to when Section 8(D)(11) anti-competition component is triggered.
11	Section 9(D)(1) of the Act provides that "the private partner shall provide funds that match or exceed the public partner's monetary obligation for the public-private partnership agreement, <b>as provided by rule.</b> " Nowhere in the proposed rule is the match identified, including what counts toward the match.
12	The proposed rule does not address whether money in the fund may be used for a public-only project. See Section 9(D) of the Act.
<b>12.13.1.1 ISSUING AGENCY and 12.13.1.2 SCOPE</b>	
13	Because the issuing agency (economic development department) is not the state board of finance, none of the rules can be deemed to be issued in accordance with Section 12 of the Act. Additional areas of conflict may exist between the secretary's preliminary approval (Section 7(E)) and state board of finance final approval (Section 12(A)). Other needs for coordination between the EDD and Finance as evidenced by the subtle distinction of fund administration by EDD (Section 9(B)) and Finance disbursement approval based on benchmark satisfaction (Section 12(B)).
14	The phrase "strategic economic development" is not used in the Act. Its use could be misleading, and could skew prioritization as between districts or projects deemed "strategic." In sum, the term should be removed or fully and neutrally defined.
15	The scope should cross-reference specific provisions of EDD's rulemaking authority in the Act, including application criteria for preliminary approval of p3 agreements, grants and loans under Section 7(E), and private partner matching requirements under Section 9(D)(1).
16	EDD's statutory authority for rulemaking is not found in 9-15F-6, but rather Sections 7(E) and 9(D)(1).
17	The effective date must comply with the State Rules Act.
<b>12.13.1.6 OBJECTIVE</b>	
18	Unclear what the objective of the Rules are from the summary of the statutory text and certain operative provisions of the Act. The objectives should be more clearly stated and defined. Certain paraphrases are incomplete and potentially misleading, for example Act defines a district as a "distinct geographic area" compared to a "specific geographic area" and the Rules don't make clear if distinct and specific are synonymous or different.
19	The significant conflict of interest rule at Section 5(F) should be highlighted.
20	Additionally, the authority granted to the secretary is preliminary approval (state board of finance has final approval), and the secretary's modification authority is omitted.
<b>12.13.1.7 DEFINITIONS</b>	
21	Terms defined in the Act itself should not be reiterated – G, H, I, J, K, M, P, and Q are all definitions found in the Act and can be cross-referenced.
22	Strike and replace "Application" to mean a written request to EDD or Finance to take action in accordance with the authority under the Act, including but not limited to grants and loans from the Fund for trade port projects.
23	Strike and replace "Committee" to mean the trade ports advisory committee.
24	Strike and replace "Feasibility Study Grant" to mean a grant award made pursuant to Section 9(C) of the Act
25	Strike and replace "Match requirement" to mean a private partner's monetary obligation that matches or exceeds a public partner's monetary obligation for a p3 agreement.
26	Strike and replace "Trade port corridor system" to mean a route or network that facilitates the efficient movement of goods or services across borders, with additional clarification as to what is meant by "borders."
27	Cite to the definition provided by the U.S. Department of Transportation or don't define and rely on Section 3(B)(1) as USDOT makes the designation.
<b>12.13.1.8 ELIGIBILITY AND PRIORITIZATION POLICIES</b>	
28	The first sentence should be deleted, if not the entire section.
29	The committee does not have any decision-making authority, its role is advisory.
30	Furthermore, Sections 8 and 3 of the Act are mandatory criteria and prioritization is impossible.

31	There is also nothing in the Act regarding prioritization of grants and loans, see Section 9.
32	Prioritization may infringe upon Finance's final approval authority.
<b>12.13.1.9 PRE-APPLICATION AND APPLICATION PROCESS</b>	
33	The pre-application conference purpose should be confined to the application criteria, completing the application, and otherwise ensuring the application is ready for submission. All other purposes raise significant questions of lobbying, bias, discrimination, etc. that undermine satisfying the criteria embedded in the Act and may lead to unfair advantage. The act contemplates that all applicants should have the same opportunities.
34	Concerns regarding the inclusion of confidential business information in the application process should be addressed, including the mechanisms that will be used to ensure state agency staff and outside consultants do not disclose confidential information. Further, if non-state agency personnel are to be involved their role should be clearly defined.
35	Finally, pre-application conferences should be available for trade port designation applications, applications for grants or loans, or p3 agreements, i.e., the pre-application process should be applied across the board.
36	The committee's function under Section 6 is to review and recommend secretarial action on applications. That is, the committee is the body to review and evaluate each completed application. The rule should make clear whether the committee is subject to the Open Meetings Act.
<b>12.13.1.10 REVIEW AND APPROVAL PROCESS</b>	
37	This should be folded into the prior section – pre-application, application, review, recommendation and approval process – to encompass the respective duties and authorities of the applicant, the committee, the secretary, and Finance. Other than the final approval authority, there seems to be no justification to differentiate the process for public-private partnerships, district designations, grants and loans, p3 agreements (linked to projects in the Act, see Section 7(C)).
38	The rule should make clear the secretary's action is governed by the Act, in certain cases subject to final approval by Finance.
39	Under the Act, a trade port project does not need to be approved, the p3 agreement does. This distinction is important. A trade port project by itself and uncoupled from a p3 agreement does not require approval – it is only when a project is to occur through or in conjunction with a p3 arrangement that secretarial approval is required under Section 7(C).
40	Trade port district designation and trade port project funding both require submission of an application to for review by both the committee and the secretary. These appear to be time-consuming processes that may hinder the timely expenditure of funding allocated to trade ports and related projects, and jeopardize any allocation of additional future funding. Consolidation of the processes should be considered.
<b>12.13.1.11 TRADE PORT DISTRICT PROPOSAL, etc.</b>	
41	How will the criterion listed in section 12.13.1.11 Trade Port District Designation be weighted and applied? Specifically, how will "Beneficial Impact on economically disadvantaged communities" be measured? This criterion was specifically listed in the act.
42	Insert following "the" "criteria set forth in the Act and policies established consistent with the Act."
43	"Public partner partnership" does not exist.
44	Only a public partner or private partner may propose a district designation as set forth in Section 3(A) of the Act.
45	"Certain" may be inconsistent with "specific" as used in the Act.
46	(1) and (2) are vague and examples of helpful information should be provided;
47	(3) missing USDOT designation, foreign-trade zone or subzone, and other criteria from Section 3(B) of the Act.
48	(5)(e) and (f), (6), and (9) should be omitted to avoid mixing apples (project) and oranges (designation criteria).
49	(7) the meaning of "partnership" is unclear.
50	(8) the meaning of "impact" and its relation to Section 3(B)(9) criteria is unclear.
51	It should be noted the 5(a) legal description of the land for purposes of a district designation may involve substantial cost.
52	(10), "relevant to criteria as established by the act" should be inserted following "documentation" and proceeding "as."
53	The Act states the committee will recommend approval, modification, or disapproval of the designation. The secretary will then either approve, modify, or disapprove. The secretary may consult with the department of transportation, request updates to any technical information, and take all other actions necessary as set forth in Sections 7(G) through (I) of the Act. The inclusion of experts without first retaining them as required by Section 7(I) raises transparency concerns. A final decision is subject to the secretary's modification and termination authority under Section 7(D) of the Act.
<b>12.13.1.12 TRADE PORT PROJECTS, REVIEW AND APPROVAL PROCESS</b>	
54	This section seems irrelevant if no more than the minimum criteria set forth in Section 4 of the Act will be relied upon for consideration. If additional criteria are to be considered, then they should be elaborated in the rule.
55	This section should address the procedures and criteria by which the secretary gives preliminary approval.
<b>12.13.1.13 PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS, APPROVAL, RESTRICTIONS</b>	
56	Use plural nouns and conform grammar accordingly. The Section 8(B) publication requirement and Section 8(C) pre-agreement requirements are missing.
57	Any additional claw-back policies should be expressly established within the Rule. Furthermore, if form claw-back or recapture provisions are to be required, the same should be addressed and approved by the attorney general as they are charged with enforcing.
58	C and D reiterate the statute and it's unclear why the same was not done for other provisions of Section 8 of the Act.
<b>12.13.1.14 TRADE PORTS DEVELOPMENT FUND APPLICATIONS, REVIEW</b>	
59	Money in the fund is restricted for use by public partners, the Act does not permit use of the fund by a public private partnership. Does this mean that the public private partnership may request the funds only for the use by the public partner?
60	The rule provides no clear answer how this will work given the stated restriction.
61	Furthermore, if the fund may be used for a trade port project that does not include a p3 agreement, the rule should make this clear.
62	The application contents are dependent on the entity (public partner or public private partnership) applying for the funds, and contents applicable to each should be clearly defined.

63	The rule is titled "review" but the rule does not contain provisions for the review process, including for example timeframe for committee review and committee review and recommendation. Similar to comment for 12.13.1.12 including whether there will be additional criteria.
<b>12.13.1.15 ADMINISTRATIVE COSTS</b>	
64	Language is inconsistent with the Act. Omit "fees" and replace "approval" with "appropriation."
<b>12.13.1.16 ADMINISTRATION OF THE TRADE PORTS DEVELOPMENT FUND</b>	
65	The rule reiterates the Act and fails to address administration of the fund.
erence between an "arrangement" in Section 2(C) and an "agreement" in Section 2(D)? Presumably, the legislature intended there to be a difference because it used different words. The definitions of public-private p	
66	"Beginning December 1, 2026" violates the Act on its face. Replace "beginning" with "on."
<b>12.13.1.18 AMENDMENT OF RULES</b>	
67	Strike and replace with "This rule or any provision of this rule may be amended, supplemented or repealed by the department, subject to the State Rules Act."

**TITLE 12 TRADE, COMMERCE AND BANKING**  
**CHAPTER 13 TRADE PORTS DEVELOPMENT ACT**  
**PART 1 GENERAL PROVISIONS**

**12.13.1.1 ISSUING AGENCY:** Economic Development Department.  
[12.13.1.1 NMAC - N, xx/xx/2026]

**12.13.1.2 SCOPE:** All public partners and private partners applying for ~~Strategic Economic Development~~ Trade Ports Development Act funds through the Economic Development Department.  
[12.13.1.2 NMAC - N, xx/xx/2026]

**12.13.1.3 STATUTORY AUTHORITY:** Section 9-15F-~~6~~7(E), NMSA 1978.  
[12.13.1.3 NMAC - N, xx/xx/2026]

**12.13.1.4 DURATION:** Permanent.  
[12.13.1.4 NMAC - N, xx/xx/2026]

**12.13.1.5 EFFECTIVE DATE:** ~~[xx/xx, /2026]~~ unless a later date is cited at the end of a section.  
[2.95.1.5 NMAC - N, xx/xx/2026]

**12.13.1.6 OBJECTIVE:**

**A.** Section 9-15F-3, NMSA 1978, provides that a private partner or a public partner may propose a specific geographic area for designation as a trade port district.

**B.** Section 9-15F-4, NMSA 1978, provides standards to approve proposed trade port grants, loans, and public-private partnership agreements, which include but are not limited to the effect the project will have on the further the development of a trade port, the cost-effectiveness and financial feasibility, the net environmental impact, and the projected time frame for completion.

**C.** Section 9-15F-5, NMSA 1978, creates the trade ports advisory committee, establishes the membership of the committee, and provides that the department shall provide necessary administrative services to the committee.

**D.** Section 9-15F-6, NMSA 1978, provides that the committee is granted authority to recommend approval or disapproval of specific geographic areas to be designated as trade port districts, proposed public-private partnership agreements for a trade port project, applications for grants or loans from the trade ports development fund, and consult with state agencies on technical issues relevant to the trade ports advisory committee's consideration of an application.

**E.** Section 9-15F-7, NMSA 1978, provides that the secretary is granted the authority to review and approve or disapprove specific geographic areas to be designated as trade port districts, proposed public-private partnership agreements for a trade port project subject to final approval by the state board of finance, applications for grants or loans from the trade ports development fund, and consult with state agencies on technical issues relevant to the secretary's consideration of an application, and take all other actions necessary to implement the Trade Ports Development Act, including entering into joint powers agreements and retaining legal counsel and experts when appropriate.

**F.** Section 9-15F-9, NMSA 1978, creates the trade ports development fund which consists of appropriations, gifts, grants, donations, income from investment of the fund, payments of principal and interest on loans made from the fund and any other money distributed or otherwise allocated to the fund. Income from the fund shall be credited to the fund and provides that the department shall administer the fund.  
[12.13.1.6 NMAC - N, xx/xx/2026]

**12.13.1.7 DEFINITIONS:**

**A.** "Act" means the Trade Ports Development Act, Sections 9-15F-1 through 9-15F-13, NMSA 1978, as the same may be amended and supplemented.

**B.** "Application" means a written document made publicly available by the department and filed with the department for the purpose of evaluating a public partner's or private partner's application for designation as a trade port district and grants and loans from the trade port development fund.

C. “Committee” means the trade ports advisory committee created to recommend approval or disapproval of [specific geographic areas to be designated as trade port districts, proposed public-private partnership agreements, proposed rules, and](#) applications for grants and loans from the trade ports development fund.

D. “Department” is the economic development department.

E. “Feasibility Study Grant” means a grant award [to a public partner](#) for the purpose of studying the costs and benefits of entering into a public-private partnership for a proposed trade port project [pursuant to the act](#).

F. “Match requirement” means a private partner’s matching funds, [including cash or in-kind contributions](#), that exceed the public partner’s monetary obligation for the public-private partnership agreement.

G. “Private partner” means an individual, a foreign or domestic corporation, a general partnership, a limited liability company, a limited partnership, a joint venture, a business trust, a public benefit corporation, a nonprofit entity or other private business entity or a combination thereof.

H. “Public partner” means the state and the state’s branches, agencies, departments, boards, instrumentalities or institutions, public universities and related agencies, special purpose district, public improvement districts, tax increment development districts, and all political subdivisions of the state and their agencies, instrumentalities and institutions, including a department, an agency, an institution of higher education, a board or a commission, [and includes Indian nations, tribes and pueblos that have entered into a partnership with a private partner that has been approved by the secretary](#).

~~I. “Public-private partnership” means an arrangement between one or more public partners and one or more private partners for the development of a trade port project pursuant to the act.~~

~~J. “Public-private partnership agreement” means a contract between one or more public partners and one or more private partners in connection with the development of a trade port project.~~

~~K. “Secretary” means the secretary of economic development.~~

~~L. “State board of finance” means the department of finance and administration board of finance division.~~

~~M. “Trade port” means a multimodal system of facilities and services in a given location with the logistical capacity to efficiently manage cargo and enhance national supply chain resiliency by facilitating the movement and redistribution of goods and commodities to other locations.~~

~~NJ. “Trade port corridor” means a strategic route or network that facilitates the efficient movement of goods, commodities and services ~~across borders~~ [to other locations](#).~~

~~OK. “Trade ports development fund” means the fund created in the state treasury by Section 9-15F-9 NMSA 1978.~~

~~P. “Trade port district” means a distinct geographic area subject to the approval of the secretary pursuant to the requirements of the act within which proposed trade port projects may be approved for grants or loans.~~

~~Q. “Trade port project” means a project subject to the approval of the secretary pursuant to the act that creates or modifies infrastructure for the construction of buildings or other facilities that support the functions of a trade port within an approved trade port district.~~

~~RL. “Trade port regional infrastructure accelerator” means a designation by the United States department of transportation as a trade port regional infrastructure accelerator to assist entities in developing improved infrastructure priorities and financing strategies for local projects.~~

[12.13.1.7 NMAC - N, xx/xx/2026]

**12.13.1.8 ELIGIBILITY AND PRIORITIZATION POLICIES:** The secretary, in consultation with the committee, will develop policies and consider a variety of factors in reviewing proposed ~~public-private~~[public-private](#) partnerships for a trade port project, specific geographic areas to be designated as trade port districts, and applications for grants or loans from the fund for trade port projects. The committee shall give priority to proposed public-private partnerships that meet the requirements of Section 9-15F-8 NMSA 1978. The committee shall give priority to proposed specific geographic areas to be designated as a trade port district that meets the requirements of Section 9-15F-3 NMSA 1978. In considering whether to approve a proposed grant, loan and public-private partnership agreement, the secretary shall consider the criteria set forth in Section 9-15F-4 NMSA 1978. The secretary, in consultation with the committee, shall establish policies for prioritization of loans and grants.

[12.13.1.8 NMAC - N, xx/xx/2026]

**12.13.1.9 PRE-APPLICATION AND APPLICATION PROCESS:**

A. Prior to initiating the preparation of an application, a public partner or public-private partnership is encouraged to schedule a “pre-application conference” to discuss the proposed ~~project~~[trade port district or request](#)

12.13.1 NMAC

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[for a grant or loan from the trade port development fund](#) with department staff, the secretary, as well as consultants and/or professionals that the department may propose. The ~~secretary may require a pre-application conference as needed, at his/her sole discretion. The~~ purpose of this conference is to allow the applicant and department staff to discuss areas of strength and opportunities of the application in order to optimize the application review process.

B. Applications must be submitted at least ~~eight (8)~~ business days prior to the committee's upcoming meeting to be considered during the upcoming meeting.

C. The application review process commences when an applicant files a completed application with the department. The department shall endeavor to review and evaluate each completed application within ~~ninety (90)~~ days of receipt to allow the committee, department staff, and the secretary to perform a thorough review. The chair may call a special meeting of the committee to expedite an application as needed, ~~for at the secretary's request~~. [Meetings of a quorum of committee members are public meetings subject to the New Mexico open meetings act.](#)

[12.13.1.9 NMAC - N, xx/xx/2025]

#### 12.13.1.10 REVIEW AND APPROVAL PROCESS:

A. The committee shall review specific geographic areas to be designated as trade port districts, proposed public-private partnership agreements for a trade port project, and applications for grants or loans from the trade ports development fund, and make recommendations to the secretary.

B. Upon the recommendation of the committee, the secretary shall:

(1) determine whether further information is needed to make a final decision; or

(2) determine whether the recommendation of the committee should be accepted.

C. All determinations by the secretary shall be considered final, [with the exception of public-private partnership agreements that require state board of finance approval.](#)

[12.13.1.10 NMAC - N, xx/xx/2026]

#### 12.13.1.11 TRADE PORT DISTRICT PROPOSAL, APPLICATION, REVIEW AND DESIGNATION CRITERIA:

A. The committee, in consultation with the secretary and the department, will administer an outreach program to public and private partners and notify applicants regarding proposals for specific geographic areas to be considered for designation as a trade port district.

B. Proposals for specific geographic areas to be considered as a trade port district shall meet the criteria set forth in the policies established by the secretary and consistent with the ~~Act~~[act](#).

C. A public partner or private partner requesting the designation of a trade port district for a ~~certain~~[specific](#) geographical area shall submit an application to the committee and the secretary that includes, [without limitation and subject to policies established by the secretary and criteria set forth in the act](#):

(1) Public partner information;

(2) Private partner information;

(3) Market and geographical analysis, including:

(a) Proximity to a designated federal interstate highway or other four-lane

vehicular highway;

(b) Proximity to an airport that can provide national and international

passenger and air freight service;

(4) List of existing infrastructure suitable for redevelopment or expansion;

(5) Project overview, including [without limitation and subject to policies established by the](#)

[secretary](#):

(a) ~~Legal description of the land to be included~~[Specific geographic location](#),

including information regarding ownership;

(b) Beneficial impact on economically disadvantaged communities;

(c) Availability of a public partner capable of coordinating development

activities;

(d) Ability to use any available economic development incentive programs for

projects;

(e) Technological feasibility;

(f) Projected time frame; [and](#)

(g) [Availability of a qualified labor pool that can address workforce](#)

[development needs](#);

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- (6) Financial plan, including cost-effectiveness and financial feasibility;
- (7) ~~Partnership and governance;~~ Whether the proposed district has been designated as a trade port regional infrastructure accelerator by the United States department of transportation or a federal designation as a foreign-trade zone or subzone;
- ~~(8) Impact and workforce development;~~
- (98) Environmental and compliance, including a description of the environmental impact and mitigation measures; and
- ~~(109)~~ Supporting documentation as requested by the secretary in consultation with the committee relevant to the criteria established in the act and subject to the policies established by the secretary.

D. The committee will complete the initial evaluation of the specific geographic area proposals and shall make a recommendation to the secretary for consideration. The secretary may consult with other agencies and experts as deemed appropriate in order for the secretary to make a final decision.  
[12.13.1.11 NMAC - N, xx/xx/2026]

**12.13.1.12 TRADE PORT ~~PROJECTS~~PROJECT FUNDING, REVIEW AND APPROVAL PROCESS:**  
For all proposed trade port projects, in deciding whether to approve a proposed grant, loan and public-private partnership agreement, the secretary shall consider, at a minimum, the criteria set forth in Section 9-15F-4 NMSA 1978, as may be amended and supplemented from time to time, as well as any criteria set forth in policies established by the secretary.  
[12.13.1.12 NMAC - N, xx/xx/2026]

**12.13.1.13 PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS, APPROVAL, RESTRICTIONS:**

- A. A public partner is authorized to enter into public-private partnership agreements with a private partner to provide economic and administrative efficiencies in connection with the development of trade port projects. Prior to entering into a public-private partnership agreement, a public partner shall provide the committee with all information required by the act and policies established by the secretary.
  - B. In addition to the provisions required by the act, a public-private partnership agreement shall meet the criteria contained in policies established by the secretary in consultation with the committee, including clawback provisions specific to each public-private partnership agreement as determined by the secretary.
  - C. A public-private partnership agreement for a trade port project shall not become effective until it receives preliminary approval by the secretary pursuant to the act and final approval by the state board of finance.
  - ~~D. The attorney general shall, as requested by the secretary, enforce the clawback or recapture provision in a public-private partnership agreement in the event of a default on the agreement.~~
- [12.13.1.13 NMAC - N, xx/xx/2026]

**12.13.1.14 TRADE PORTS DEVELOPMENT FUND APPLICATIONS, REVIEW:**

- ~~A.~~ A public partner requesting a grant from the trade ports development fund, or a public partner or ~~public-private~~public-private partnership requesting ~~fundin~~a grant or loan from the trade ports development fund for a trade port project shall submit an application to the committee and the secretary that includes:
    - ~~A.~~(1) Public partner information;
    - ~~B.~~(2) Private partner information;
    - ~~C.~~(3) Project overview;
    - ~~D.~~(4) Project narrative;
    - ~~E.~~(5) Financial plan;
    - ~~F.~~(6) Partnership and governance;
    - ~~G.~~(7) Impact and workforce development;
    - ~~H.~~(8) Environmental and compliance, including a description of the environmental impact and mitigation measures;
    - ~~I.~~(9) Supporting documentation; and
    - ~~J.~~(10) A certification by the applicant that all information is true and correct.
  - B. The committee will complete the initial evaluation of the request for a grant or loan and shall make a recommendation to the secretary for consideration. The secretary may consult with other agencies and experts as deemed appropriate in order for the secretary to make a final decision.
- [12.13.1.14 NMAC - N, xx/xx/2026]

**12.13.1.15 ADMINISTRATIVE COSTS:** Money in the trade ports development fund may be used for administrative ~~fees~~ and reimbursable costs incurred by the department, the state board of finance and the department of transportation, subject to the legislative ~~approval~~appropriation process.  
[12.13.1.15 NMAC - N, xx/xx/2026]

**12.13.1.16 ADMINISTRATION OF THE TRADE PORTS DEVELOPMENT FUND:**

**A.** Pursuant to Section 9-15F-9 NMSA 1978, the trade ports development fund is created in the state treasury and shall be administered by the department pursuant to policies established by the secretary for the purposes of carrying out the provisions of the act, including the planning, renovation or construction of trade ports and associated facilities and infrastructure.

**B.** The trade ports development fund consists of appropriations, gifts, grants, donations, income from investment of the fund, payments of principal and interest on loans made from the fund and any other money distributed or otherwise allocated to the fund. Income from the trade ports development fund shall be credited to the fund. Money in the trade ports development fund shall not revert or be transferred to any other fund at the end of the fiscal year.

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

**D.** Money in the trade ports development fund may be used to provide grants and loans for financing a trade port project through a public-private partnership agreement, provided that the private partner provides funds that match or exceed the public partner's monetary obligation for the public-private partnership agreement, and the public partner certifies to the secretary that the public partner has taken all action necessary to approve the public-private partnership agreement and that the agreement contains all terms and conditions required by Subsection D of Section 9-15F-8 NMSA 1978 of the act.

**E.** Money in the trade ports development fund may be used pursuant to Subsections A and C of 12.13.1.14 NMAC only for grants or loans to a public partner for a trade port project.

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

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

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

[12.13.1.16 NMAC - N, xx/xx/2026]

**12.13.1.17 REPORTING:** ~~Beginning December 1, 2026, and by December 1 of each year thereafter~~As required by the act, the secretary shall provide a report to the governor and the legislative finance committee regarding:

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

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

**C.** grant and loan applications approved by the secretary;

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

**E.** the status of the trade ports development fund; and

**F.** any recommended changes to the act.

[12.13.1.17 NMAC - N, xx/xx/2026]

**12.13.1.18 AMENDMENT OF RULES:** This rule may be amended or repealed at any time by the department in accordance with the provisions of the state rules act.

[12.13.1.18 NMAC - N, xx/xx/2026]

**HISTORY OF 12.13.1 NMAC: [RESERVED]**

<b>Summary report:</b>	
<b>Litera Compare for Word 11.8.0.56 Document comparison done on 4/5/2026 11:42:06 PM</b>	
<b>Style name:</b> TaftStandard	
<b>Intelligent Table Comparison:</b> Active	
<b>Original DMS:</b> iw://taft-mobility.imatech.com/ACTIVE/195142625/5	
<b>Modified DMS:</b> iw://taft-mobility.imatech.com/ACTIVE/195142625/6	
<b>Changes:</b>	
<u>Add</u>	59
<del>Delete</del>	55
<del>Move From</del>	0
<u>Move To</u>	0
<u>Table Insert</u>	0
<del>Table Delete</del>	0
<u>Table moves to</u>	0
<del>Table moves from</del>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>114</b>