

The Legislature  
of the  
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 33

SENATE BILL 60, as amended

Introduced by

SENATOR CLINTON D. HARDEN, JR., AND  
REPRESENTATIVE SHERYL M. WILLIAMS STAPLETON



ENDORSED BY THE NEW MEXICO FINANCE AUTHORITY  
OVERSIGHT COMMITTEE

# CHAPTER 33

AN ACT

RELATING TO THE NEW MEXICO RENEWABLE ENERGY TRANSMISSION  
AUTHORITY; TRANSFERRING FUNDS; AUTHORIZING RENEWABLE ENERGY  
TRANSMISSION BONDS TO BE SOLD AT, ABOVE OR BELOW PAR;  
PROVIDING FOR CONFIDENTIALITY OF CERTAIN PROPRIETARY  
INFORMATION.

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

SECTION 1. Section 62-16A-1 NMSA 1978 (being Laws 2007,  
Chapter 3, Section 1) is amended to read:

"62-16A-1. SHORT TITLE.-- Chapter 62, Article 16A NMSA  
1978 may be cited as the "New Mexico Renewable Energy  
Transmission Authority Act"."

SECTION 2. Section 62-16A-6 NMSA 1978 (being Laws 2007,  
Chapter 3, Section 6) is amended to read:

"62-16A-6. RENEWABLE ENERGY TRANSMISSION BONDING FUND  
CREATED--MONEY IN THE FUND PLEDGED.--

A. The "renewable energy transmission bonding  
fund" is created in the authority. The fund shall consist of  
revenues received by the authority from operating or leasing  
eligible facilities, fees and service charges collected and,  
if the authority has provided financing for eligible  
facilities, money from payments of principal and interest on  
loans. The authority may create separate accounts within the  
fund in connection with any issuance of renewable energy

1 transmission bonds and may deposit in such separate accounts  
2 revenues received by the authority derived from the financing  
3 or leasing of eligible facilities. Any such separate account  
4 shall be held by a trustee acting under a trust indenture  
5 relating to those bonds. Earnings of the fund or any  
6 separate account shall be credited to the fund or the  
7 applicable separate account. Balances in the fund at the end  
8 of any fiscal year shall remain in the fund, except as  
9 provided in this section.

10 B. Money in the fund shall be deposited in a bank  
11 designated by the authority in an account or accounts as the  
12 authority may establish. Money in accounts shall be  
13 withdrawn on the order of persons whom the authority may  
14 authorize. All deposits of money shall be secured in such  
15 manner as the authority may determine. The state auditor and  
16 the state auditor's legally authorized representatives shall  
17 periodically examine the accounts and books of the authority,  
18 including its receipts, disbursements, contracts, leases,  
19 sinking funds, investments and any other records and papers  
20 relating to its financial standing. The authority shall pay  
21 a reasonable fee for the examination as determined by the  
22 state auditor.

23 C. Money in the renewable energy transmission  
24 bonding fund is pledged for the payment of principal and  
25 interest on bonds issued pursuant to the New Mexico Renewable

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1 Energy Transmission Authority Act. Money in any separate  
2 account may be pledged solely to payment of bonds for which  
3 the separate account was created. Money in the fund or any  
4 separate account is appropriated to the authority for the  
5 purpose of paying debt service, including redemption  
6 premiums, on the bonds and the expenses incurred in the  
7 issuance, payment and administration of the bonds.

8 D. On the last day of January and the last day of  
9 July of each year, the authority shall estimate the amount  
10 needed to make debt service and other payments during the  
11 next twelve months from the renewable energy transmission  
12 bonding fund or any separate account created in the bond fund  
13 on the bonds plus the amount that may be needed for any  
14 required reserves or other requirements as may be set forth  
15 in the trust indenture related to the bonds. The authority  
16 shall transfer to the renewable energy transmission authority  
17 operational fund any balance in the renewable energy  
18 transmission bonding fund or any separate account created in  
19 the bond fund above the estimated amounts. Payments for  
20 administrative costs shall be deposited in the renewable  
21 energy transmission authority operational fund.

22 E. Bonds issued pursuant to the New Mexico  
23 Renewable Energy Transmission Authority Act shall be payable  
24 solely from the renewable energy transmission bonding fund or  
25 from any separate account, created within the bond fund or,

1 with the approval of the bondholders, such other special  
2 funds as may be provided by law and do not create an  
3 obligation or indebtedness of the state within the meaning of  
4 any constitutional provision. No breach of any contractual  
5 obligation incurred pursuant to that act shall impose a  
6 pecuniary liability or a charge upon the general credit or  
7 taxing power of the state, and the bonds are not general  
8 obligations for which the state's full faith and credit is  
9 pledged.

10 F. The state does hereby pledge that the renewable  
11 energy transmission bonding fund, including any separate  
12 account within the fund, shall be used only for the purposes  
13 specified in this section and pledged first to pay the debt  
14 service on the bonds issued pursuant to the New Mexico  
15 Renewable Energy Transmission Authority Act. The state  
16 further pledges that any law requiring the deposit of  
17 revenues in the renewable energy transmission bonding fund or  
18 authorizing expenditures from the fund shall not be amended  
19 or repealed or otherwise modified so as to impair the bonds  
20 to which the renewable energy transmission bonding fund is  
21 dedicated as provided in this section."

22 SECTION 3. Section 62-16A-9 NMSA 1978 (being Laws 2007,  
23 Chapter 3, Section 9) is amended to read:

24 62-16A-9. PROCEDURE FOR SALE OF RENEWABLE ENERGY  
25 TRANSMISSION BONDS.--

1           A. Bonds shall be sold by the authority at such  
2 times and in such manner as the authority may elect, either  
3 at private sale for a negotiated price or to the highest  
4 bidder at public sale for cash at par, above par or below  
5 par and accrued interest.

6           B. In connection with any public sale of the  
7 bonds, the authority shall publish a notice of the time and  
8 place of sale in a newspaper of general circulation in the  
9 state and also in a recognized financial journal outside the  
10 state. The publication shall be made once each week for two  
11 consecutive weeks prior to the date fixed for such sale, the  
12 last publication to be two business days prior to the date of  
13 sale. The notice shall specify the amount, denomination,  
14 maturity and description of the bonds to be offered for sale  
15 and the place, day and hour at which sealed bids therefor  
16 shall be received. All bids, except those of the state,  
17 shall be accompanied by a deposit of two percent of the  
18 principal amount of the bonds. Deposits of unsuccessful  
19 bidders shall be returned upon rejection of the bid. At the  
20 time and place specified in such notice, the authority shall  
21 open the bids in public and shall award the bonds, or any  
22 part thereof, to the bidder or bidders offering the best  
23 price. The authority may reject any or all bids and  
24 ~~readvertise.~~

25           C. The authority may sell a bond issue, or any

1 part thereof, to the state or to one or more investment  
2 bankers or institutional investors at private sale."

3 SECTION 4. Section 62-16A-13 NMSA 1978 (being Laws  
4 2007, Chapter 3, Section 13) is amended to read:

5 "62-16A-13. RENEWABLE ENERGY TRANSMISSION AUTHORITY  
6 OPERATIONAL FUND.--The "renewable energy transmission  
7 authority operational fund" is created in the authority. The  
8 fund shall consist of money appropriated and transferred to  
9 the fund. Earnings from investment of the fund shall be  
10 credited to the fund. Money in the fund is appropriated to  
11 the authority for the purpose of carrying out the provisions  
12 of the New Mexico Renewable Energy Transmission Authority  
13 Act. Any unexpended or unencumbered balance remaining at the  
14 end of a fiscal year shall not revert. The authority is  
15 authorized to establish procedures required to administer the  
16 fund in accordance with the New Mexico Renewable Energy  
17 Transmission Authority Act and state law."

18 SECTION 5. A new section of the New Mexico Renewable  
19 Energy Transmission Authority Act is enacted to read:

20 "PROPRIETARY INFORMATION.--Information obtained by the  
21 authority that is proprietary technical or business  
22 information shall be confidential and not subject to  
23 inspection pursuant to the Inspection of Public Records Act.  
24 Proprietary confidential information includes power purchase  
25 agreements, costs of production, costs of transmission,

1 transmission service agreements, credit reviews, detailed  
2 power models and financing statements."

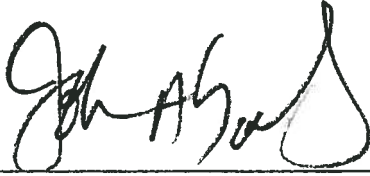
3 SECTION 6. EFFECTIVE DATE.--The effective date of  
4 the provisions of this act is July 1, 2011. \_\_\_\_\_

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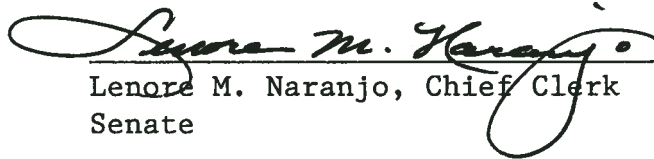
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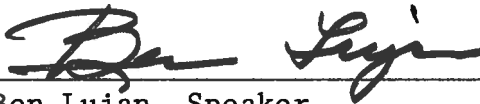




John A. Sanchez, President  
Senate



Lenore M. Naranjo, Chief Clerk  
Senate



Ben Lujan, Speaker  
House of Representatives



Stephen R. Arias, Chief Clerk  
House of Representatives

Approved by me this 2nd day of April, 2011



Governor ~~Susana~~ Martinez  
State of New Mexico

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