

**FORTY-SEVENTH LEGISLATURE  
SECOND SESSION, 2006**

**SB 360/a**

February 1, 2006

Madam President:

Your **EDUCATION COMMITTEE**, to whom has been referred

**SENATE BILL 360**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 13, after "FUND" insert "TO MAKE LOANS FOR SMALL PROJECTS WITHOUT SPECIFIC AUTHORIZATION BY LAW,".

2. On page 1, line 15, after the semicolon insert "CHANGING THE TITLE OF EXECUTIVE DIRECTOR TO CHIEF EXECUTIVE OFFICER;".

3. On page 3, between lines 23 and 24, insert the following new section:

"Section 2. Section 6-21-4 NMSA 1978 (being Laws 1992, Chapter 61, Section 4, as amended) is amended to read:

"6-21-4. NEW MEXICO FINANCE AUTHORITY CREATED--MEMBERSHIP--QUALIFICATIONS--QUORUM--MEETINGS--COMPENSATION--BOND.---

A. There is created a public body politic and corporate, separate and apart from the state, constituting a governmental instrumentality to be known as the "New Mexico finance authority" for the performance of essential public functions.

B. The authority shall be composed of twelve members. The state investment officer, the secretary of finance and administration, the secretary of economic development, the secretary of energy, minerals and natural resources, the secretary of environment, the executive director of the New Mexico municipal league and the executive director of the New Mexico association of counties or their designees shall be ex-officio members of the authority with voting privileges. The governor, with the advice and

**FORTY-SEVENTH LEGISLATURE  
SECOND SESSION, 2006**

SEC/SB 360

Page 2

consent of the senate, shall appoint to the authority the chief financial officer of a state higher educational institution and four members who are residents of the state. The appointed members shall serve at the pleasure of the governor.

C. The appointed members of the authority shall be appointed to four-year terms. The initial members shall be appointed to staggered terms of four years or less, so that the term of at least one member expires on January 1 of each year. Vacancies shall be filled by appointment by the governor for the remainder of the unexpired term. Any member of the authority shall be eligible for reappointment.

D. Each appointed member before entering upon his duty shall take an oath of office to administer the duties of his office faithfully and impartially. A record of the oath shall be filed in the office of the secretary of state.

E. The governor shall designate an appointed member of the authority to serve as chairman. The authority shall elect annually one of its members to serve as vice chairman. The authority shall appoint and prescribe the duties of such other officers, who need not be members, as the authority deems necessary or advisable, including [~~an executive director~~] chief executive officer and a secretary, who may be the same person. The authority may delegate to one or more of its members, officers, employees or agents such powers and duties as it may deem proper and consistent with the New Mexico Finance Authority Act.

F. The [~~executive director~~] chief executive officer of the authority shall direct the affairs and business of the authority, subject to the policies, control and direction of the authority. The secretary of the authority shall keep a record of the proceedings of the authority and shall be custodian of all books, documents and papers filed with the authority, the minute book or journal of the authority and its official seal. The secretary shall make copies of all minutes and other records and documents of the

**FORTY-SEVENTH LEGISLATURE  
SECOND SESSION, 2006**

SEC/SB 360

Page 3

authority and give certificates under the official seal of the authority to the effect that the copies are true copies, and all persons dealing with the authority may rely upon the certificates.

G. Meetings of the authority shall be held at the call of the chairman or whenever three members shall so request in writing. A majority of members then serving constitutes a quorum for the transaction of any business. The affirmative vote of at least a majority of a quorum present shall be necessary for any action to be taken by the authority. An ex-officio member may designate in writing another person to attend meetings of the authority and to the same extent and with the same effect act in his stead. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all rights and perform all duties of the authority.

H. Each member of the authority shall give bond as provided in the Surety Bond Act. All costs of the surety bonds shall be borne by the authority.

I. The authority is not created or organized, and its operations shall not be conducted, for the purpose of making a profit. No part of the revenues or assets of the authority shall benefit or be distributable to its members, officers or other private persons. The members of the authority shall receive no compensation for their services, but shall be reimbursed for actual and necessary expenses at the same rate and on the same basis as provided for public officers in the Per Diem and Mileage Act.

J. The authority shall not be subject to the supervision or control of any other board, bureau, department or agency of the state except as specifically provided in the New Mexico Finance Authority Act. No use of the terms "state agency" or "instrumentality" in any other law of the state shall be deemed to refer to the authority unless the authority is specifically referred to in the law.

**FORTY-SEVENTH LEGISLATURE  
SECOND SESSION, 2006**

SEC/SB 360

Page 4

K. The authority is a governmental instrumentality for purposes of the Tort Claims Act."".

4. Renumber the succeeding sections accordingly.

5. On page 6, line 14, strike "equipment" and insert in lieu thereof "small loan".

6. On page 6, line 15, strike "equipment" and insert in lieu thereof "small loan".

7. On page 6, line 16, after "to" strike the remainder of the line, strike lines 17 through 25 in their entirety and on page 7, strike lines 1 through 20 in their entirety and insert in lieu thereof:

"provide financing for public projects in amounts not to exceed one million dollars (\$1,000,000) per project. A public project financed pursuant to the small loan program shall not require specific authorization by law.".

8. Reletter the succeeding subsections accordingly.,

and thence referred to the **FINANCE COMMITTEE**.

Respectfully submitted,

\_\_\_\_\_  
Cynthia Nava, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)  
Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Asbill, Sanchez, M.

Absent: None

**FORTY-SEVENTH LEGISLATURE  
SECOND SESSION, 2006**

SEC/SB 360

Page 5

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