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HOUSE BILL 104

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Dennis J. Roch

AN ACT

RELATING TO THE NEW MEXICO RENEWABLE ENERGY TRANSMISSION  
AUTHORITY; ADDING TWO LANDOWNERS TO THE MEMBERSHIP.

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.--~~[Sections 1 through 15 of this  
act]~~ Chapter 62, Article 16A NMSA 1978 may be cited as the "New  
Mexico Renewable Energy Transmission Authority Act"."

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

"62-16A-3. NEW MEXICO RENEWABLE ENERGY TRANSMISSION  
AUTHORITY CREATED--ORGANIZATION.--

A. The "New Mexico renewable energy transmission  
authority" is created as a public body, politic and corporate,

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1 separate and apart from the state, constituting a governmental  
2 instrumentality for the performance of essential public  
3 functions.

4 B. The authority shall be composed of [~~seven~~] nine  
5 members as follows:

6 (1) [~~three~~] five members appointed by the  
7 governor with the advice and consent of the senate. The  
8 initial appointees shall be appointed for staggered terms of  
9 one, two and three years; thereafter the members shall be  
10 appointed for three-year terms; provided that the two landowner  
11 members appointed in 2010 shall be appointed for two- and  
12 three-year terms as determined by the governor;

13 (2) the state investment officer or the state  
14 investment officer's designee;

15 (3) the state treasurer or the state  
16 treasurer's designee;

17 (4) one member appointed by the speaker of the  
18 house of representatives who shall serve at the pleasure of the  
19 speaker of the house; and

20 (5) one member appointed by the president pro  
21 tempore of the senate who shall serve at the pleasure of the  
22 president pro tempore.

23 C. The qualifications of the members shall be as  
24 follows:

25 (1) one member appointed by the governor shall

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1 have expertise in financial matters involving the financing of  
2 major electrical transmission projects;

3 (2) [~~the other~~] four appointed members shall  
4 have:

5 (a) special knowledge of the public  
6 utility industry, as evidenced by college degrees or by  
7 experience, at least five years of which must be with the  
8 public utility industry; and

9 (b) knowledge of renewable energy  
10 development; [~~and~~]

11 (3) two members shall be landowners in areas  
12 in which renewable energy resources are being used to generate  
13 renewable energy; and

14 [~~(3)~~] (4) no member shall represent a person  
15 that owns or operates facilities.

16 D. The members initially appointed by the speaker  
17 of the house and the president pro tempore of the senate shall,  
18 by lot, determine one to have an initial term of two years and  
19 one to have an initial term of four years; thereafter, the  
20 appointments will be for staggered terms of four years.

21 E. In addition to the [~~seven~~] nine voting members,  
22 the secretary of energy, minerals and natural resources shall  
23 serve as an ex-officio nonvoting member of the authority.

24 F. The governor shall designate an appointed member  
25 of the authority to serve as chair, and the authority may elect

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1 annually such other officers as it deems necessary.

2 G. The authority shall meet at the call of the  
3 chair or whenever [~~four~~] five members shall so request in  
4 writing. A majority of members then serving constitutes a  
5 quorum for the transaction of business, but the affirmative  
6 vote of at least [~~four~~] five members is necessary for any  
7 action to be taken by the authority.

8 H. The authority is not created or organized, and  
9 its operations are not conducted, for the purpose of making a  
10 profit, but it is expected to recover the costs of operating  
11 the authority. No part of the revenues or assets of the  
12 authority shall benefit or be distributable to its members,  
13 officers or other private persons. The members of the  
14 authority shall receive no compensation for their services, but  
15 the public members shall be reimbursed for actual and necessary  
16 expenses at the same rate and on the same basis as provided for  
17 public officers in the Per Diem and Mileage Act.

18 I. The authority is not subject to the supervision  
19 or control of any other board, bureau, department or agency of  
20 the state except as specifically provided in the New Mexico  
21 Renewable Energy Transmission Authority Act. No use of the  
22 terms "state agency" or "instrumentality" in any other law of  
23 the state shall be deemed to refer to the authority unless the  
24 authority is specifically referred to in the law.

25 J. The authority is a governmental instrumentality

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1 for purposes of the Tort Claims Act."

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