

1 SENATE BILL 189

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

4 Pete Campos

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10 AN ACT

11 RELATING TO PUBLIC FINANCE; AUTHORIZING THE ISSUANCE OF REVENUE
12 BONDS SECURED BY A PLEDGE OF CIGARETTE TAX DISTRIBUTIONS OR
13 PUBLIC PROJECT REVOLVING FUND MONEY FOR DEPARTMENT OF HEALTH
14 FACILITIES; MAKING AN APPROPRIATION.

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

17 SECTION 1. Section 6-21-6.10 NMSA 1978 (being Laws 2005,
18 Chapter 58, Section 1) is amended to read:

19 "6-21-6.10. NEW MEXICO FINANCE AUTHORITY REVENUE BONDS--
20 PURPOSE--APPROPRIATION.--

21 A. The [~~New Mexico finance~~] authority may issue and
22 sell revenue bonds in compliance with the New Mexico Finance
23 Authority Act in an amount not exceeding two million five
24 hundred thousand dollars (\$2,500,000) for the behavioral health
25 capital fund to make loans to eligible entities for capital

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1 projects pursuant to the Behavioral Health Capital Funding Act.

2 B. The net proceeds from the sale of the bonds are
3 appropriated to the behavioral health capital fund for the
4 purposes described in Subsection A of this section.

5 C. The cigarette tax proceeds distributed to the
6 [~~New Mexico finance~~] authority pursuant to Subsection D of
7 Section 7-1-6.11 NMSA 1978:

8 (1) are appropriated to the authority to be
9 pledged irrevocably for the payment of the principal, interest,
10 premiums and related expenses on the bonds and for payment of
11 the expenses incurred by the authority related to the issuance,
12 sale and administration of the bonds; and

13 [~~D. the cigarette tax proceeds appropriated and~~
14 ~~distributed to the authority pursuant to Subsection D of~~
15 ~~Section 7-1-6.11 NMSA 1978]~~

16 (2) shall be deposited in a separate fund or
17 account of the authority; provided that money in the separate
18 fund or account in excess of the amount necessary for payment
19 of principal and interest on the bonds and necessary reserves
20 or sinking funds may be transferred to any other account of the
21 authority and used for purposes of the New Mexico Finance
22 Authority Act.

23 D. The authority may issue and sell revenue bonds
24 in compliance with the New Mexico Finance Authority Act in an
25 amount not to exceed five million dollars (\$5,000,000) for

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1 acquiring land for and planning, designing, constructing and
2 equipping department of health facilities or improvements to
3 those facilities, upon certification from the secretary of
4 health that such projects are needed. The costs associated
5 with issuing the bonds shall be paid from the net proceeds from
6 the sale of the bonds, and the remainder is appropriated to the
7 facilities management division of the general services
8 department for the projects certified pursuant to this
9 subsection.

10 E. The cigarette tax proceeds distributed to the
11 authority pursuant to Subsection F of Section 7-1-6.11 NMSA
12 1978:

13 (1) are appropriated to the authority to be
14 pledged irrevocably for the payment of the principal, interest,
15 premiums and related expenses of the bonds and for payment of
16 the expenses incurred by the authority related to the issuance,
17 sale and administration of the bonds; and

18 (2) shall be deposited in a separate fund or
19 account of the authority.

20 [~~E.~~] F. Any law authorizing the imposition,
21 collection or distribution of the cigarette tax or that affects
22 the cigarette tax shall not be amended, repealed or otherwise
23 directly or indirectly modified so as to impair or reduce debt
24 service coverage for any outstanding revenue bonds that may be
25 secured by a pledge of those cigarette tax revenues, unless the

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underscoring material = new
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1 revenue bonds have been discharged in full or provisions have
2 been made for a full discharge.

3 G. The authority may secure the revenue bonds
4 issued pursuant to this section by a pledge of money in the
5 public project revolving fund with a lien priority on the money
6 in the public project revolving fund as determined by the
7 authority."