

**FORTY-NINTH LEGISLATURE
SECOND SESSION, 2010**

February 4, 2010

Mr. Speaker:

Your **BUSINESS AND INDUSTRY COMMITTEE**, to whom has been referred

HOUSE BILL 98

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

1. On page 4, between lines 8 and 9, insert the following new section:

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

B. Money in the renewable energy transmission bonding fund is pledged for the payment of principal and interest on [~~all~~] bonds issued pursuant to the New Mexico Renewable Energy Transmission Authority Act. Money in any separate account may be pledged solely to payment of bonds for which the separate account was created. Money in the fund or any separate account is appropriated to the authority for the purpose of paying debt service, including redemption premiums, on the bonds and the expenses incurred in the issuance, payment and administration of the bonds.

FORTY-NINTH LEGISLATURE
SECOND SESSION, 2010

HBIC/HB 98

Page 2

C. On the last day of January and the last day of July of each year, the authority shall estimate the amount needed to make debt service and other payments during the next twelve months from the renewable energy transmission bonding fund or any separate account on the bonds plus the amount that may be needed for any required reserves or other requirements as may be set forth in the trust indenture related to the bonds. The authority shall transfer to the renewable energy transmission authority operational fund any balance in the renewable energy transmission bonding fund or any separate account above the estimated amounts. Payments for administrative costs shall be deposited in the renewable energy transmission authority operational fund.

D. Bonds issued pursuant to the New Mexico Renewable Energy Transmission Authority Act shall be payable solely from the renewable energy transmission bonding fund or from any separate account, or, with the approval of the bondholders, such other special funds as may be provided by law and do not create an obligation or indebtedness of the state within the meaning of any constitutional provision. No breach of any contractual obligation incurred pursuant to that act shall impose a pecuniary liability or a charge upon the general credit or taxing power of the state, and the bonds are not general obligations for which the state's full faith and credit is pledged.

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

2. Renumber the succeeding sections accordingly.

3. On page 5, line 19, after the period insert "Proprietary confidential information includes power purchase agreements, costs

**FORTY-NINTH LEGISLATURE
SECOND SESSION, 2010**

HBIC/HB 98

Page 3

of production, costs of transmission, transmission service agreements, credit reviews, detailed power models, financing statements and any other information that a private partner identifies as proprietary.".,

and thence referred to the **TAXATION AND REVENUE COMMITTEE.**

Respectfully submitted,

Debbie A. Rodella, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

No: 0

Excused: Garcia, T., Taylor

Absent: None

181199.2

HB0098BI1.wpd