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HOUSE BILL 387

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Dennis J. Roch

AN ACT

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

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~~] four 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 landowner
11 member appointed in 2011 shall be appointed for a one-year
12 term;

13 (2) the [~~state investment officer or the state~~
14 ~~investment officer's~~] secretary of energy, minerals and natural
15 resources or the secretary's designee;

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

18 (4) the commissioner of public lands or the
19 commissioner's designee;

20 [~~4~~] (5) one member appointed by the speaker
21 of the house of representatives who shall serve at the pleasure
22 of the speaker of the house; and

23 [~~5~~] (6) one member appointed by the
24 president pro tempore of the senate who shall serve at the
25 pleasure of the president pro tempore.

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1 C. The qualifications of the members shall be as
2 follows:

3 (1) one member appointed by the governor shall
4 have expertise in financial matters involving the financing of
5 major electrical transmission projects;

6 (2) ~~[the other four]~~ two appointed members
7 shall have:

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

12 (b) knowledge of renewable energy
13 development; ~~[and]~~

14 (3) one appointed member shall be a landowner
15 and shall be a member of any landowner association that works
16 with its landowner members in the development of renewable
17 energy; and

18 ~~[(3)]~~ (4) no member shall represent a person
19 that owns or operates facilities.

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

25 ~~[E. In addition to the seven voting members, the~~

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1 ~~secretary of energy, minerals and natural resources shall serve~~
2 ~~as an ex-officio nonvoting member of the authority.~~

3 ~~F.]~~ E. The governor shall designate an appointed
4 member of the authority to serve as chair, and the authority
5 may elect annually such other officers as it deems necessary.

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

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

22 ~~[I.]~~ H. The authority is not subject to the
23 supervision or control of any other board, bureau, department
24 or agency of the state except as specifically provided in the
25 New Mexico Renewable Energy Transmission Authority Act. No use

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1 of the terms "state agency" or "instrumentality" in any other
2 law of the state shall be deemed to refer to the authority
3 unless the authority is specifically referred to in the law.

4 ~~[J.]~~ I. The authority is a governmental
5 instrumentality for purposes of the Tort Claims Act."