INTRODUCED BY
Patricia A. Lundstrom and Harry Garcia and Eliseo Lee Alcon

AN ACT
RELATING TO ELECTRIC GENERATING FACILITY ECONOMIC DISTRICTS;
PROVIDING FOR THE APPOINTMENT OF ADDITIONAL AUTHORITY MEMBERS.

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

SECTION 1.  Section 71-10-1 NMSA 1978 (being Laws 2020,
Chapter 78, Section 1) is amended to read:

"71-10-1.  SHORT TITLE.--[Sections 1 through 11 of this
act] Chapter 71, Article 10 NMSA 1978 may be cited as the
"Electric Generating Facility Economic District Act"."

SECTION 2.  Section 71-10-4 NMSA 1978 (being Laws 2020,
Chapter 78, Section 4) is amended to read:

"71-10-4.  CREATION OF AN AUTHORITY--MEMBERS--TERMS--
QUALIFICATIONS.--

A.  A county that forms a district shall create an
authority to govern the district that consists of [five] eight
members. The governing body of the county shall appoint five authority members.

B. The authority shall include three members appointed by the governor who shall serve at the pleasure of the governor for two-year terms.

[C.] The terms of the authority members other than those appointed by the governor and non-voting members shall be staggered. Of the members initially appointed pursuant to Subsection A of this section, that number of members closest to, but not more than, one-half of the membership shall serve for two years. The term of all other members shall be four years. If additional counties become part of the authority pursuant to Subsection [E] of this section, the additional authority members shall be appointed in a similar manner so that they shall serve staggered four-year terms.

[D.] An authority member other than those appointed by the governor and non-voting members shall not serve more than two consecutive four-year terms on the authority. A member who has served two consecutive four-year terms on the authority shall not serve another term until after four years following the second term have elapsed.

[E.] The authority shall include two non-voting members appointed by the governor non-investor-owned electric utility or a coal-fueled electric
generating facility that is owned by a non-investor-owned
electric utility and has been or is in the process of being
retired, who shall serve [at the pleasure of the governor] for

[F.] The authority shall, for the period ending
[December 31, 2020] June 30, 2021, authorize a county that
borders the county that created the district within twenty
miles of a qualifying electric generating facility to become
part of the authority. Any additional county that becomes part
of the district shall appoint [four] five additional members to
the authority.

[G.] An elected official shall not serve as an
authority member nor influence or attempt to influence any
action of an authority member. Authority members shall receive
per diem and mileage as provided in the Per Diem and Mileage
Act and shall receive no other compensation, perquisite or
allowance. An authority member shall post a surety bond for
the faithful performance of the member's duties pursuant to the
Surety Bond Act.

[H.] Before appointing a person as an authority
member, the governing body of a county shall first determine
that the person has:

(1) experience in energy development business,
economic development, finance, commercial real estate
investment or accounting or possesses other qualifications that
the governing body determines are necessary or appropriate for carrying out the duties of the authority but does not have at the time of appointment and will not have during service as an authority member employment or a contract with an energy development business; and

   (2) no direct substantial conflict of interest in the business or operation of the authority.

   [Hr] I. An authority member shall resign from the authority if a matter to be voted on poses a conflict of interest for the member. Authority members and employees of the authority shall be governed by the provisions of the Governmental Conduct Act. An authority member or employee of the authority shall not:

   (1) acquire a financial interest in a new or existing business venture or business property if the member or employee believes or has reason to believe that the financial interest will be directly affected by an official act conducted in that membership or employment capacity;

   (2) use confidential information acquired by virtue of membership on or employment by the authority for the member's or employee's or another person's private gain; or

   (3) as a person with a financial or other interest in a business that is party to a contract, enter into a contract with the authority without there being public notice of the contract, a competitive bidding process for entry into
the contract and full disclosure of that financial or other interest.

[іп] J. The governing body that appoints an authority member may remove the member if the governing body determines that the member has:

(1) neglected or refused to perform an official duty;

(2) violated the policies or procedures adopted by the authority; or

(3) developed a direct, substantial conflict of interest in the business of the authority."