

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 894

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; EXPANDING THE  
DEFINITION OF "PUBLIC AGENCY" IN THE JOINT POWERS AGREEMENTS  
ACT TO INCLUDE ANY OTHER STATE.

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

Section 1. Section 11-1-2 NMSA 1978 (being Laws 1961,  
Chapter 135, Section 2, as amended) is amended to read:

"11-1-2. DEFINITIONS.--As used in the Joint Powers  
Agreements Act:

A. "public agency" means the federal government or  
[~~any~~] a federal department, agency or instrumentality; this  
state, [~~an adjoining~~] another state or [~~any~~] a state  
department, agency or instrumentality; an Indian nation, tribe  
or pueblo; a subdivision of an Indian nation, tribe or pueblo  
that has authority pursuant to the law of that Indian nation,

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1 tribe or pueblo to enter into joint powers agreements directly  
2 with the state; a county, municipality, public corporation or  
3 public district of this state or [~~an adjoining~~] another state;  
4 a New Mexico educational institution specified in Article 12,  
5 Section 11 of the constitution of New Mexico; and a New Mexico  
6 school district;

7 B. "agreement" means a written contractual  
8 agreement entered into between two or more public agencies  
9 subject to [~~any~~] a constitutional or legislative restriction  
10 imposed upon any of the contracting public agencies, but the  
11 Joint Powers Agreements Act does not authorize an interstate  
12 water supply agreement or limit the powers of an interstate  
13 water compact commission, the interstate stream commission or  
14 the state engineer, and it does not limit the powers of a state  
15 agency or political subdivision to enter into agreements with  
16 the interstate stream commission or the state engineer;

17 C. "bonds" means revenue bonds;

18 D. "bondholder" means [~~any~~] a person who is the  
19 bearer of [~~any~~] an outstanding bond or the owner of bonds that  
20 are at the time registered to other than the bearer;

21 E. "indenture" means the instrument providing the  
22 terms and conditions for the issuance of the bonds and may be a  
23 resolution, order, agreement or other instrument; and

24 F. "instrumentality" means a public corporate  
25 entity created by state law but [~~which~~] that is not subject to

1 the general laws of the state and is not a state agency or  
2 department."

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