

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

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

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

A. The authority may issue and sell revenue bonds  
in compliance with the New Mexico Finance Authority Act in an  
amount not exceeding two million five hundred thousand  
dollars (\$2,500,000) for the behavioral health capital fund  
to make loans to eligible entities for capital projects  
pursuant to the Behavioral Health Capital Funding Act.

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

C. The cigarette tax proceeds distributed to the  
authority pursuant to Subsection D of Section 7-1-6.11 NMSA  
1978:

(1) are appropriated to the authority to be  
pledged irrevocably for the payment of the principal,

1 interest, premiums and related expenses on the bonds and for  
2 payment of the expenses incurred by the authority related to  
3 the issuance, sale and administration of the bonds; and

4 (2) shall be deposited in a separate fund or  
5 account of the authority; provided that money in the separate  
6 fund or account in excess of the amount necessary for payment  
7 of principal and interest on the bonds and necessary reserves  
8 or sinking funds may be transferred to any other account of  
9 the authority and used for purposes of the New Mexico Finance  
10 Authority Act.

11 D. The authority may issue and sell revenue bonds  
12 in compliance with the New Mexico Finance Authority Act in an  
13 amount not to exceed five million dollars (\$5,000,000) for  
14 acquiring land for and planning, designing, constructing and  
15 equipping department of health facilities or improvements to  
16 those facilities, upon certification from the secretary of  
17 health that such projects are needed. The costs associated  
18 with issuing the bonds shall be paid from the net proceeds  
19 from the sale of the bonds, and the remainder is appropriated  
20 to the facilities management division of the general services  
21 department for the projects certified pursuant to this  
22 subsection.

23 E. The cigarette tax proceeds distributed to the  
24 authority pursuant to Subsection F of Section 7-1-6.11 NMSA  
25 1978:

1                   (1) are appropriated to the authority to be  
2 pledged irrevocably for the payment of the principal,  
3 interest, premiums and related expenses of the bonds and for  
4 payment of the expenses incurred by the authority related to  
5 the issuance, sale and administration of the bonds; and

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

8                   F. Any law authorizing the imposition, collection  
9 or distribution of the cigarette tax or that affects the  
10 cigarette tax shall not be amended, repealed or otherwise  
11 directly or indirectly modified so as to impair or reduce  
12 debt service coverage for any outstanding revenue bonds that  
13 may be secured by a pledge of those cigarette tax revenues,  
14 unless the revenue bonds have been discharged in full or  
15 provisions have been made for a full discharge.

16                   G. The authority may secure the revenue bonds  
17 issued pursuant to this section by a pledge of money in the  
18 public project revolving fund with a lien priority on the  
19 money in the public project revolving fund as determined by  
20 the authority." \_\_\_\_\_