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SENATE BILL 55

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

INTRODUCED BY

Mary Kay Papen

FOR THE NEW MEXICO FINANCE AUTHORITY OVERSIGHT COMMITTEE

AN ACT

RELATING TO THE BORDER AUTHORITY; AMENDING POWERS AND DUTIES;
REMOVING RESTRICTIONS ON THE BORDER AUTHORITY'S POWER TO
OPERATE A PROJECT OR BUSINESS; INCREASING THE PURPOSE FOR WHICH
THE BORDER AUTHORITY MAY EXPEND FUNDS.

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

Section 1. Section 58-27-1 NMSA 1978 (being Laws 1991,
Chapter 131, Section 1) is amended to read:

"58-27-1. SHORT TITLE.--~~[Sections 1 through 25 of this
act]~~ Chapter 58, Article 27 NMSA 1978 may be cited as the
"Border Development Act"."

Section 2. Section 58-27-10 NMSA 1978 (being Laws 1991,
Chapter 131, Section 10, as amended) is amended to read:

"58-27-10. POWERS AND DUTIES OF AUTHORITY.--

A. The authority shall:

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1 (1) advise the governor and [~~his~~] the
2 governor's staff and the New Mexico finance authority oversight
3 committee on methods, proposals, programs and initiatives
4 involving the New Mexico-Chihuahua border area that may further
5 stimulate the border economy and provide additional employment
6 opportunities for New Mexico citizens;

7 (2) subject to the provisions of the Border
8 Development Act, initiate, develop, acquire, own, construct and
9 maintain border development projects;

10 (3) create programs to expand economic
11 opportunities beyond the New Mexico-Chihuahua border area to
12 other areas of the state;

13 (4) create avenues of communication between
14 New Mexico and Chihuahua and the Republic of Mexico concerning
15 economic development, trade and commerce, transportation and
16 industrial affairs;

17 (5) promote legislation that will further the
18 goals of the authority and development of the border region;

19 (6) produce or cause to have produced
20 promotional literature related to explanation and fulfillment
21 of the authority's goals;

22 (7) actively recruit industries and establish
23 programs that will result in the location and relocation of new
24 industries in the state;

25 (8) coordinate and expedite the involvement of

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1 the executive department's border area efforts; and

2 (9) perform or cause to be performed
3 environmental, transportation, communication, land use and
4 other technical studies necessary or advisable for projects or
5 programs or to secure port-of-entry approval by the United
6 States and the Mexican governments and other appropriate
7 governmental agencies.

8 B. The authority may:

9 (1) solicit and accept federal, state, local
10 and private grants of funds, property or financial or other aid
11 in any form for the purpose of carrying out the provisions of
12 the Border Development Act;

13 (2) adopt rules governing the manner in which
14 its business is transacted and the manner in which the powers
15 of the authority are exercised and its duties performed;

16 (3) act as an applicant for and operator of
17 port-of-entry facilities and, as the applicant, carry out all
18 tasks and functions, including acquisition by purchase or gift
19 of any real property necessary for port-of-entry facilities,
20 acquisition by purchase, gift or construction of any facilities
21 or other real or personal property necessary for a port of
22 entry and filing all necessary documents and follow-up of such
23 filings with appropriate agencies;

24 (4) as part of a port of entry, give or
25 transfer real property, facilities and improvements owned by

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1 the authority to the United States government;

2 (5) acquire by construction, purchase, gift or
3 lease projects that shall be located within the state;

4 (6) sell, lease or otherwise dispose of a
5 project upon terms and conditions acceptable to the authority
6 and in the best interests of the state;

7 (7) issue revenue bonds and borrow money for
8 the purpose of defraying the cost of acquiring a project by
9 purchase or construction and to secure the payment of the bonds
10 or repayment of a loan; ~~and~~

11 (8) expend funds or incur debt for the
12 improvement, maintenance, repair or addition to property owned
13 by the authority, the state or the United States government;
14 and

15 [~~(8)~~] (9) refinance a project.

16 C. In exercising its authority, the authority shall
17 not

18 [~~(1)~~] ~~operate a project as a business or in any~~
19 ~~manner except as lessor;~~

20 ~~(2)] incur debt as a general obligation of the~~
21 ~~state or pledge the full faith and credit of the state to repay~~
22 ~~debt [or~~

23 ~~(3) expend funds or incur debt for the~~
24 ~~improvement, maintenance, repair or addition to property not~~
25 ~~owned by the authority]."~~

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