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HOUSE BILL 31

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

INTRODUCED BY

Dennis J. Roch

AN ACT

RELATING TO THE SPACEPORT; REQUIRING THE SPACEPORT AUTHORITY
AND REGIONAL SPACEPORT DISTRICTS TO IMMEDIATELY SUSPEND ALL
CURRENT CONTRACTS AND EXPENDITURES.

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

Section 1. Section 5-16-6 NMSA 1978 (being Laws 2006,
Chapter 15, Section 6) is amended to read:

"5-16-6. POWERS OF THE DISTRICT.--

A. A district is a body politic and corporate. In
addition to other powers granted to the district pursuant to
the Regional Spaceport District Act, ~~the~~ a district may:

(1) have perpetual existence, except as
otherwise provided in the contract;

(2) sue and be sued;

(3) enter into contracts and agreements

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[bracketed material] = delete

1 affecting the affairs of the district; provided, however, that
2 any district in existence as of the effective date of this 2009
3 special session act shall immediately suspend all contracts
4 that result in or involve an expenditure of funds and shall
5 suspend all expenditures;

6 (4) pledge all or a portion of the revenues to
7 the payment of bonds of the authority; and

8 (5) construct, in connection with the
9 authority, a regional spaceport within the boundaries of the
10 district.

11 B. After the creation of a district, the board may
12 include property within or exclude property from the boundaries
13 of the district in the manner provided in this section.

14 Property shall not be included within the boundaries of the
15 district unless it is within the boundaries of the members of
16 the combination at the time of the inclusion. Prior to
17 inclusion of property in or exclusion of property from the
18 boundaries of the district, the board shall cause notice of the
19 proposed inclusion or exclusion to be published in a newspaper
20 of general circulation within the boundaries of the district
21 and cause the notice to be mailed to the authority. The notice
22 shall:

23 (1) describe the property to be included in or
24 excluded from the boundaries of the district;

25 (2) specify the date, time and place at which

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1 the board shall hold a public hearing on the proposed inclusion
2 or exclusion; provided that the date of the public hearing
3 contained in the notice shall be not less than twenty days
4 after publication of the notice; and

5 (3) state that persons having objections to
6 the inclusion or exclusion may appear at the public hearing to
7 object to the proposed inclusion or exclusion.

8 C. The board shall hear all objections to the
9 proposed inclusion or exclusion of property at the time and
10 place designated in the notice. The board, upon the
11 affirmative vote of two-thirds of the directors, may adopt a
12 resolution including or excluding all or a portion of the
13 property described in the notice. Upon the adoption of the
14 resolution, the property shall be included within or excluded
15 from the boundaries of the district as set forth in the
16 resolution. The board may adopt the resolution without
17 amending the district's enabling contract. The board shall
18 file the resolution with the authority, which shall cause the
19 resolution to be recorded in the real estate records of each
20 county having territory included in the boundaries of the
21 district."

22 Section 2. Section 58-31-5 NMSA 1978 (being Laws 2005,
23 Chapter 128, Section 5, as amended) is amended to read:

24 "58-31-5. AUTHORITY POWERS AND DUTIES.--

25 A. The authority shall:

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1 (1) hire an executive director, who shall
2 employ the necessary professional, technical and clerical staff
3 to enable the authority to function efficiently and shall
4 direct the affairs and business of the authority, subject to
5 the direction of the authority;

6 (2) be located within fifty miles of a
7 southwest regional spaceport;

8 (3) advise the governor, the governor's staff
9 and the New Mexico finance authority oversight committee on
10 methods, proposals, programs and initiatives involving a
11 southwest regional spaceport that may further stimulate space-
12 related business and employment opportunities in New Mexico;

13 (4) initiate, develop, acquire, own,
14 construct, maintain and lease space-related projects;

15 (5) make and execute all contracts and other
16 instruments necessary or convenient to the exercise of its
17 powers and duties; provided, however, that as of the effective
18 date of this 2009 special session act, the authority shall
19 immediately suspend all contracts that result in or involve an
20 expenditure of funds and shall suspend all expenditures;

21 (6) create programs to expand high-technology
22 economic opportunities within New Mexico;

23 (7) create avenues of communication among
24 federal government agencies, the space industry, users of space
25 launch services and academia concerning space business;

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1 (8) promote legislation that will further the
2 goals of the authority and development of space business;

3 [~~(9)~~] ~~oversee and fund production of~~
4 ~~promotional literature related to the authority's goals;~~

5 ~~(10)]~~ (9) identify science and technology
6 trends that are significant to space enterprise and the state
7 and act as a clearinghouse for space enterprise issues and
8 information;

9 [~~(11)]~~ (10) coordinate and expedite the
10 involvement of the state executive branch's space-related
11 development efforts; and

12 [~~(12)]~~ (11) perform environmental,
13 transportation, communication, land use and other technical
14 studies necessary or advisable for projects and programs or to
15 secure licensing by appropriate United States agencies.

16 B. The authority may:

17 (1) advise and cooperate with municipalities,
18 counties, state agencies and organizations, appropriate federal
19 agencies and organizations and other interested persons and
20 groups;

21 (2) solicit and accept federal, state, local
22 and private grants of funds or property and financial or other
23 aid for the purpose of carrying out the provisions of the
24 Spaceport Development Act;

25 (3) adopt rules governing the manner in which

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1 its business is transacted and the manner in which the powers
2 of the authority are exercised and its duties performed;

3 (4) operate spaceport facilities, including
4 acquisition of real property necessary for spaceport facilities
5 and the filing of necessary documents with appropriate
6 agencies;

7 (5) construct, purchase, accept donations of
8 or lease projects located within the state;

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

12 [~~(7) issue revenue bonds and borrow money for~~
13 ~~the purpose of defraying the cost of acquiring a project by~~
14 ~~purchase or construction and of securing the payment of the~~
15 ~~bonds or repayment of a loan;~~

16 ~~(8) enter into contracts with regional~~
17 ~~spaceport districts and issue bonds on behalf of regional~~
18 ~~spaceport districts for the purpose of financing the purchase,~~
19 ~~construction, renovation, equipping or furnishing of a regional~~
20 ~~spaceport or a spaceport-related project;~~

21 ~~(9) refinance a project;~~

22 ~~(10) contract with any competent private or~~
23 ~~public organization or individual to assist in the fulfillment~~
24 ~~of its duties;~~

25 ~~(11)] (7) fix, alter, charge and collect~~

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1 tolls, fees or rentals and impose any other charges for the use
2 of or for services rendered by any authority facility, program
3 or service; and

4 [~~(12)~~] (8) contract with regional spaceport
5 districts to receive municipal regional spaceport gross
6 receipts tax and county regional spaceport gross receipts tax
7 revenues.

8 C. The authority shall not:

9 (1) incur debt as a general obligation of the
10 state or pledge the full faith and credit of the state to repay
11 debt; or

12 (2) expend funds or incur debt [~~for the~~
13 ~~improvement, maintenance, repair or addition to property unless~~
14 ~~it is owned by the authority, the state or a political~~
15 ~~subdivision of the state]."~~