

LFC Requester:

Julisa Rodriguez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://agencyanalysis.nmlegis.gov) and email to billanalysis@dfa.nm.gov*****(Analysis must be uploaded as a PDF)*****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** 3/17/25*Check all that apply:***Bill Number:** HM 60Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:** J. Ferrary, S. Silva, R. Lara**Agency Name
and Code
Number:**New Mexico Spaceport Authority,
Agency 49500**Short
Title:** Study Spaceport Issues**Person Writing**Art Trujillo**Phone:** 575-281-0238**Email** Art.trujillo@spaceport**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A		
N/A	N/A	N/A		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: **House Memorial 60 refers to HB 396 which was presented earlier during this legislative session and was tabled by the committee.**

Duplicates/Relates to Appropriation in the General Appropriation Act: **None noted.**

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HM 60 requests an interim legislative committee be established to study issues related to the Regional Spaceport District Act and Spaceport Development Act and to make recommendations. The New Mexico Spaceport Authority (NMSA) was created under the Spaceport Development Act.

FISCAL IMPLICATIONS:

HM 60 itself does not have any fiscal impact at this time, however future potential committee decisions could affect the funding to the public schools in both Dona Ana and Sierra Counties and infrastructure assistance to the Spaceport Authority. The tone of the measure indicates that corrective actions are needed which indicates the presenters of this measure are wanting changes. This is the same as was presented in HB 396 which is discussed in subsequent sections.

SIGNIFICANT ISSUES:

The New Mexico Spaceport Authority is against passage of HM 60.

HM 60 states that there are issues that have emerged related to the Regional Spaceport District Act and the Spaceport Development Act. It states there are discrepancies in financial contributions by the governmental units involved within the act and the representation of the board is also lacking. HM 60 states an imbalance exists and calls for the committee to provide recommendations for corrective actions. Formalizing this point of view, without the full consent of the Tax District, will likely result in further frustrations in the disbursements of Spaceport funds. This viewpoint was also written in Legislative Session's House Bill 396, which was unanimously voted to be tabled by the House Commerce and Economic Development Committee. Legislators noted many of the issues addressed above.

It should be noted that the spaceport has two associated boards of directors. The New Mexico Spaceport Authority board oversees the spaceport directly including general operations, approving major projects and agreements, capital improvements, and the overall market direction of the spaceport. The NMSA board also assures proper governance of the spaceport. The second board associated with the spaceport is the Regional Spaceport (tax) District (RSD), which relates to this memorial and HB396. Both HB396 and this memorial presume that the RSD has similar duties and powers as the NMSA board of directors. The RSD primary duties are to oversee the collection of the GRT, to assure the payment of the bonds, and to assure that the GRT is spent for "planning, designing, engineering and construction of a regional spaceport or spaceport related project" (as per the RSD creation statutes). This memorial implies that powers of the RSD are greater than they are, and/or

should be altered which would interfere with the duties of the NMSA board. This is not the intent of the RSD and would create contradictions of oversight of the spaceport.

PERFORMANCE IMPLICATIONS:

The HM by itself does not directly affect Spaceport activities however, if it were enacted into law via a bill that could adversely affect Spaceport operations. The Tax District exists to oversee the collection of GRT funds and disburse them to the Spaceport to continue its development. The goal of this Memorial is to fundamentally rework the makeup of the Tax District's Board members and the function of the Tax District. Were the suggestions in HM 60 were to be enacted into law, this would also adversely affect the Public Schools located in Dona Ana and Sierra Counties who currently receive funding from some of the GRT monies that have been collected.

ADMINISTRATIVE IMPLICATIONS:

No administrative implications as a result of HM 60 by itself would impact NMSA, however the memorial is based on a presumption that the Tax District Board lacks fair representation and that the use of the monies needs to be re-examined. Were a change to the functioning of the Tax District to be implemented, there is a concern that the GRT monies collected would not be disbursed as required by law, an issue that the Spaceport is already facing. This issue would likely be exacerbated by the passage of a bill reflecting the language and assumptions in HM 60. This would negatively affect the ability of the Spaceport to invest in the building out of the facility using the money that has already been set aside for that exact purpose. There is no corrective actions deemed needed.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP:

HM 60 is directly related to HB 396 and repeats the same language. It is unnecessary as

TECHNICAL ISSUES:

HM 60 raises questions about the governance and taxation of GRT funds. The taxpayers of both Dona Ana and Sierra Counties previously voted for and approved this process. Any changes would go against the wishes of both county taxpayers and raise concerns of violations of the contract clause of both the Constitution of the United States and the New Mexico Constitution.

OTHER SUBSTANTIVE ISSUES:

None noted at this time.

ALTERNATIVES:

The alternative to passage of HM 60 has long-term ramifications that NMSA would need to fund infrastructure strictly from State funds and not rely on any assistance from the Tax District Board.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL:

The New Mexico Spaceport Authority would continue to receive a excess pledged revenue from collected GRT providing a stable capital improvement funding source for its operations and projects while the Public School Districts would continue to receive funding.

AMENDMENTS:

None noted or recommended.