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AN ACT

RELATING TO ECONOMIC DEVELOPMENT; PROVIDING FOR MILITARY BASE
RETENTION AND RELATED ECONOMIC ENHANCEMENT; PROVIDING A
COMPENSATING TAX DEDUCTION FOR TEST ARTICLES USED IN RESEARCH
OR TESTING; DECLARING AN EMERGENCY.

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

Section 1. Section 9-15-48 NMSA 1978 (being Laws 2003,
Chapter 166, Section 1 and Laws 2003, Chapter 170, Section 1)
is amended to read:

"9-15-48. OFFICE OF MILITARY BASE PLANNING AND SUPPORT
CREATED--DUTIES.--

A. The "office of military base planning and
support" is created, which is administratively attached to
the economic development department. The department shall
provide administrative services to the office.

B. The governor's homeland security adviser shall
appoint a director of the office of military base planning
and support.

C. The director of the office of military base
planning and support shall:

(1) employ, under the authorization of the
governor's homeland security adviser, the staff necessary to
carry out the work of the office of military base planning
and support and the military base planning commission;

- 1 (2) support the commission;
- 2 (3) inform the governor and the governor's
3 homeland security adviser about issues impacting the military
4 bases in the state, including infrastructure requirements,
5 environmental needs, military force structure possibilities,
6 tax implications, property considerations and issues
7 requiring coordination and support from other state agencies;
- 8 (4) serve as a liaison with the community
9 organizations whose purpose is to support the long-term
10 viability of the military bases;
- 11 (5) communicate with the staff of the
12 state's congressional delegation; and
- 13 (6) identify issues, prepare information and
14 provide for presentations necessary for the commission to
15 carry out its duties."

16 Section 2. Section 9-15-49 NMSA 1978 (being Laws 2003,
17 Chapter 166, Section 2 and Laws 2003, Chapter 170, Section 2)
18 is amended to read:

19 "9-15-49. MILITARY BASE PLANNING COMMISSION CREATED--
20 COMPOSITION.--

21 A. The "military base planning commission" is
22 created, which is administratively attached to the economic
23 development department. The department shall provide
24 administrative services to the commission.

25 B. The commission consists of fifteen members,

1 thirteen of which are appointed by the governor with the
2 advice and consent of the senate. The commission shall
3 include the lieutenant governor, the governor's homeland
4 security adviser and appropriate representatives from the
5 counties, or adjoining counties, in which military bases are
6 located.

7 C. The governor shall appoint a chair from among
8 the members of the commission. The commission shall meet at
9 the call of the chair and shall meet not less than quarterly.
10 Members of the commission shall not be paid but shall receive
11 per diem and mileage expenses as provided in the Per Diem and
12 Mileage Act.

13 D. Notwithstanding the provisions of the Open
14 Meetings Act, meetings of the commission shall be closed to
15 the public when proprietary alternative New Mexico military
16 base realignment or closure strategies or any information
17 regarding relocation of military units is discussed.

18 E. Information developed or obtained by the
19 commission that pertains to proprietary commission strategies
20 or related to the relocation of military units shall be
21 confidential and not subject to inspection pursuant to the
22 Inspection of Public Records Act."

23 Section 3. A new section of the Gross Receipts and
24 Compensating Tax Act is enacted to read:

25 "DEDUCTION--COMPENSATING TAX--TEST ARTICLES.--

1 A. The value of test articles upon which research
2 or testing is conducted in New Mexico pursuant to a contract
3 with the United States department of defense may be deducted
4 in computing the compensating tax due.

5 B. As used in this section, "test article" means a
6 material or device upon which research or testing is
7 conducted to determine the properties and qualities of the
8 material or the properties, qualities or functioning of the
9 device or a technology used with the device.

10 C. The deduction provided by this section does not
11 apply to the value of property purchased by a prime
12 contractor operating a facility designated as a national
13 laboratory by an act of congress."

14 Section 4. EMERGENCY.--It is necessary for the public
15 peace, health and safety that this act take effect
16 immediately.

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