

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1092
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State Affairs
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Committee Report (Substituted)

DIGEST

Currently, no state statute authorizes a county to establish a spaceport authority. A spaceport authority designs, constructs, and operates a commercial spaceport, and encourages local economic development through the production of related industries. The authority would be a political subdivision and a special district. S.B. 1092 would authorize the establishment of a spaceport authority, and grant to the authority the power of eminent domain and the right to issue bonds.

PURPOSE

As proposed, C.S.S.B. 1092 authorizes the establishment of a spaceport authority.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the board of directors of a spaceport development corporation in SECTION 1 (Section 4D(d), Article 5190.6, V.T.C.S. (The Development Corporation Act of 1976)) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 5190.6, V.T.C.S. (The Development Corporation Act of 1976), by adding Section 4D, as follows:

Sec. 4D. DEVELOPMENT CORPORATION FOR SPACEPORT FACILITIES. Defines “eligible entity,” “project,” “spacecraft,” and “spaceport.” Provides that this section prevails in the event of a conflict between this section and another provision of this Act. Authorizes an eligible entity to create a corporation that has the powers and the limitations under this Act, but the articles of incorporation must state that the corporation is governed by this section and words to that effect. Sets forth the composition and terms of office of the board of directors of the corporation (board). Authorizes the board to provide, by rule, for the election of certain officers. Requires the board to meet at the call of the presiding officer or a majority of the directors. Grants certain property and eminent domain rights to the corporation. Prohibits the corporation from acquiring property or issuing bonds unless a site has been designated for a spaceport. Requires the corporation to obtain a resolution from the governing body of a county or municipality, in which eminent domain is to be exercised including extraterritorial jurisdiction of a municipality, approving the condemnation. Authorizes the corporation to make certain agreements regarding donations and grants and to enter into an interlocal contract under Chapter 791, Government Code. Prohibits the corporation from contracting the operation of a spaceport unless the agreement provides that the person contracting with the corporation assumes the corporation’s liability for a cause of action arising from environmental damage. Authorizes the corporation to sue and to be sued. Authorizes the board to adopt a plan for higher education courses and degree programs to be offered at or near a spaceport, but the program must be related to the purposes of this section. Requires the Texas Aerospace Commission and the Texas Higher Education Coordinating Board to cooperate with and advise the board in carrying out this subsection. Authorizes the corporation to impose a charge for using spaceport services; issuing bonds; and borrowing, loaning, and investing money. Exempts the corporation’s property, income, and operations from taxes imposed by a state or a political subdivision, yet requires the corporation to make a payment to the subdivision an amount equal to the ad valorem taxes that would be paid on the corporation’s land if the land were privately owned. Makes tangible personal property exempt from taxes under Section 11.01, Tax Code, if the property is located in the spaceport. Provides that Chapter 151, Tax Code, does not apply to tangible personal property purchased by

a person for use in a spaceport. Authorizes the corporation to issue bonds that are not an obligation or a pledge of the faith and credit of the state, an eligible entity, or any other political subdivision of the state. Requires the bonds to meet other financial criteria. Provides that Section 24 of this Act does not apply to a corporation created under this section. Establishes that this section expires on September 1, 2003, unless the secretary of state has received articles of incorporation, from a corporation created under this section, before that date.

SECTION 2. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Relates to the creation of a development corporation for spaceport facilities, rather than the establishment of a spaceport authority.

SECTION 1.

Adds proposed Section 4D, V.T.C.S. (The Development Corporation Act of 1976), regarding the creation of a development corporation for spaceport facilities.

Deletes proposed Chapter 2312, Title 10G, Government Code, regarding a spaceport authority.

SECTION 2.

Deletes the effective date of September 1, 1999, and adds an effective date of upon passage.

SECTION 3.

Redesignates emergency clause to SECTION 2.