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SENATE BILL 21

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Timothy M. Keller

AN ACT

RELATING TO HIGHER EDUCATION; CREATING THE ENERGY TECHNOLOGY
HIGHER EDUCATION ENDOWMENT FUND TO FUND THE CURRICULUM,
TEACHING, RESEARCH, DEVELOPMENT AND COMMERCIALIZATION OF ENERGY
TECHNOLOGIES; REQUIRING AN ANNUAL LEGISLATIVE FINANCE COMMITTEE
EVALUATION AND REPORT; TEMPORARILY DISTRIBUTING A PORTION OF
GROSS RECEIPTS TAX REVENUE TO THE FUND; MAKING AN
APPROPRIATION.

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

SECTION 1. A new section of the Tax Administration Act is
enacted to read:

"~~[NEW MATERIAL]~~ DISTRIBUTION--ENERGY TECHNOLOGY HIGHER
EDUCATION ENDOWMENT FUND.--A distribution pursuant to Section
7-1-6.1 NMSA 1978 shall be made to the energy technology higher
education endowment fund in the amount of eight hundred thirty-
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1 five thousand dollars (\$835,000) from the net receipts
2 attributable to the gross receipts tax imposed by the Gross
3 Receipts and Compensating Tax Act. The distribution shall be
4 made:

5 A. after the distribution made pursuant to Section
6 7-1-6.4 NMSA 1978;

7 B. after the distribution made pursuant to Section
8 7-1-6.42 NMSA 1978;

9 C. after any distribution of net receipts
10 attributable to the gross receipts tax for payment of debt
11 service on outstanding bonds or to a fund dedicated for that
12 purpose; and

13 D. prior to any other distribution of net receipts
14 attributable to the gross receipts tax."

15 SECTION 2. A new section of Chapter 21, Article 1 NMSA
16 1978 is enacted to read:

17 "[NEW MATERIAL] ENERGY TECHNOLOGY HIGHER EDUCATION
18 ENDOWMENT FUND CREATED.--

19 A. The "energy technology higher education
20 endowment fund" is created in the state treasury. The fund
21 shall consist of the distribution under the Tax Administration
22 Act, appropriations, earnings from investment of the fund,
23 gifts, grants, donations, bequests and payments of royalties or
24 licensing fees from a university. Earnings from investment of
25 the fund shall be credited to the fund. Money in the fund

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underscoring material = new
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1 shall be invested by the state investment council. Any money
2 in the fund shall not revert to any other fund at the end of a
3 fiscal year.

4 B. As used in this section, "energy technology"
5 means energy that is produced by methods that improve energy
6 efficiency by increasing the net benefits per unit of energy
7 used.

8 C. The purposes of the fund are to enable and to
9 promote energy technology higher education and industry
10 incubation, growth and employment in the state.

11 D. On July 1, 2015, and on July 1 of each year
12 thereafter, five percent of the value of the fund on December
13 31 of the previous calendar year shall be disbursed to the
14 following institutions in the following proportions:

15 (1) one-third to the university of New Mexico;

16 (2) one-third to New Mexico state university;

17 and

18 (3) one-third to the New Mexico institute of
19 mining and technology.

20 E. Money from the fund shall be used only for:

21 (1) recruiting and retaining teaching faculty;

22 (2) developing and implementing curricula;

23 (3) research and development; and

24 (4) commercializing technology.

25 F. To carry out the purposes of and to use the fund

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1 in the most effective and efficient manner, the university of
2 New Mexico, New Mexico state university and the New Mexico
3 institute of mining and technology shall collaborate with each
4 other and coordinate their sustainable energy curricula.

5 G. Each university shall pay to the energy
6 technology higher education endowment fund an amount equal to
7 ten percent of the licensing fees or royalties received for
8 research, development, commercialization or patents financed in
9 whole or in part by a disbursement from that fund.

10 H. On an annual basis starting in fiscal year 2018,
11 the university of New Mexico, New Mexico state university and
12 the New Mexico institute of mining and technology shall report
13 to the legislative finance committee, which shall evaluate and
14 report to the appropriate legislative interim committee, on the
15 uses of and expenditures from the fund, including:

16 (1) the number of teaching faculty recruited
17 and retained;

18 (2) a description of sustainable energy
19 technology courses and programs;

20 (3) a description of any collaboration among
21 the universities and between the universities and other
22 institutions, agencies, entities or persons;

23 (4) an accounting of how the courses and
24 programs are funded, including amounts and sources;

25 (5) the number of students who completed

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- 1 courses and obtained degrees in energy technology programs;
2 (6) a description of current and projected
3 technology research, development and commercialization and
4 patent applications, and their economic impact;
5 (7) an analysis of current and projected job
6 creation and industry incubation and growth; and
7 (8) any other information it deems appropriate
8 or as requested by the appropriate legislative interim
9 committee."

10 SECTION 3. DELAYED REPEAL.--Section 1 of this act is
11 repealed effective July 1, 2016.

12 SECTION 4. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2012.

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