HOUSE BILL 460

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

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AN ACT

RELATING TO ECONOMIC DEVELOPMENT; ENACTING THE BIOSCIENCE DEVELOPMENT ACT; CREATING THE BIOSCIENCE AUTHORITY FUND.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Bioscience Development Act".

SECTION 2. [NEW MATERIAL] PURPOSE OF ACT.--The purpose of the Bioscience Development Act is to:

A. encourage and foster economic development in the state and its cities and counties by attracting and encouraging the growth of bioscience industries and facilities in New Mexico;

B. proactively engage with industry, chambers of commerce and economic development associations to ensure that New Mexico develops a turnkey and effective means of attracting
bioscience companies and allowing new bioscience companies to
start up, including an effort to reduce unnecessary regulatory
and permitting challenges;

C. actively promote and assist public and private
sector infrastructure development to attract new bioscience
industries and businesses, thereby creating new job
opportunities in the state;

D. engage the state's institutions of higher
education and national research laboratories to promote and
assist in the development of New Mexico's life science
workforce and to promote bioscience discovery;

E. work with state agencies to identify effective
incentives targeted to increase bioscience presence in New
Mexico; and

F. promote educational involvement in bioscience
activities and education and training of the workforce to
develop the skills needed for bioscience industries.

SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the
Bioscience Development Act:

A. "authority" means the bioscience authority;

B. "bioscience" means the scientific areas
represented by life sciences and biotechnology that are
included in the five industries recognized by the United States
department of labor:

(1) drugs and pharmaceuticals;
(2) medical devices and equipment;
(3) research testing and medical laboratories;
(4) bioscience-related distribution; and
(5) agriculture and chemicals related to
bioscience;

C. "financial assistance" means tax incentives,
grants, loans and other financial benefits provided for
projects to a qualified entity on terms and conditions approved
by the authority;

D. "national laboratories" means Los Alamos
national laboratory and Sandia national laboratories; and

E. "research institutions" means the university of
New Mexico, New Mexico state university and the New Mexico
institute of mining and technology.

SECTION 4. [NEW MATERIAL] BIOSCIENCE AUTHORITY CREATED--
BOARD OF DIRECTORS--MEMBERSHIP.--

A. The "bioscience authority" is created as a
public-private partnership representing a collaborative among
state government, research institutions, national laboratories
and private industry in New Mexico. The authority is
administratively attached to the economic development
department.

B. The board of directors of the authority shall
consist of fifteen voting members as follows:

(1) the secretaries of economic development
and higher education or their designees;

(2) the vice president for research of the university of New Mexico;

(3) the vice chancellor for research of the university of New Mexico health sciences center;

(4) the vice president for research of New Mexico state university;

(5) the vice president for research and economic development of the New Mexico institute of mining and technology; and

(6) nine members of the public who have experience working in bioscience, appointed as follows:

(a) three members appointed by the governor with the consent of the senate;

(b) three members appointed by the president pro tempore of the senate with the consent of the senate; and

(c) three members appointed by the speaker of the house of representatives with the consent of the senate.

C. The executive director of the authority shall serve as a nonvoting member of the board of directors.

D. The public members appointed pursuant to Paragraph (6) of Subsection B of this section by the governor, the president pro tempore of the senate and the speaker of the
of representatives shall be residents of the state and shall serve for terms of three years, except for the initial appointees, who shall be appointed so that the terms are staggered after initial appointment. Initial appointees by governor, the president pro tempore of the senate and the speaker of the house shall serve terms as follows: one member for one year; one member for two years; and one member for three years.

E. Appointed voting members of the board of directors may be reimbursed for per diem and mileage in accordance with the provisions of the Per Diem and Mileage Act that apply to nonsalaried public officers, unless a different provision of that act applies to a specific member, in which case that member shall be paid under the applicable provision. Members shall receive no other compensation, perquisite or allowance for serving as a member of the board of directors.

F. The secretary of economic development or the secretary's designee shall serve as the chair of the board of directors. Members of the board of directors shall elect any other officers from the membership that the board determines to be appropriate.

G. The chair and four voting members of the board of directors appointed by the chair, two of whom shall be public members, shall constitute the "bioscience authority executive committee". The executive director of the bioscience
authority board of directors shall be a nonvoting member of the executive committee. The executive committee shall have powers and duties as delegated to it by the board of directors.

H. If a vacancy occurs among the appointed voting members of the board of directors, the appointing authority of the former member shall appoint a replacement to serve out the term of that member. If an appointed member's term expires, the member shall continue to serve until the member is reappointed or until another person is appointed and confirmed by the senate to replace the member.

I. The board of directors shall meet at the call of the chair and shall meet in regular session at least once every three months.

J. The board of directors shall maintain written minutes of all meetings of the authority and maintain other appropriate records, including financial transaction records in compliance with law and adequate to provide an accurate record for audit purposes pursuant to the Audit Act.

SECTION 5. [NEW MATERIAL] AUTHORITY POWERS AND DUTIES.--

A. The authority shall:

   (1) advise the governor, the economic development department, the legislature and the New Mexico finance authority oversight committee on methods, proposals, programs and initiatives that may stimulate investment in bioscience industries and provide additional employment
opportunities for New Mexico residents;

(2) make and execute all contracts and other
instruments necessary or convenient to the exercise of its
powers and duties;

(3) create programs to expand bioscience
economic opportunities within New Mexico, including potential
means of providing financial assistance and incentives for
bioscience industries and facilities;

(4) create avenues of communication between
New Mexico and representatives of bioscience industries;

(5) promote legislation that will further the
goals of the authority and development of bioscience industries
and facilities;

(6) oversee, produce or cause to have produced
promotional literature related to explanation and fulfillment
of the authority's goals;

(7) identify science and technology trends
that are significant to bioscience enterprises and act as a
clearinghouse for bioscience enterprise issues and information;

(8) coordinate and expedite the involvement of
the state executive branch's bioscience-related development
efforts;

(9) perform or cause to be performed
environmental, transportation, communication, land use and
other technical studies necessary or advisable for bioscience
projects or programs; and

(10) actively recruit industries and establish programs that will result in the location and relocation of new bioscience industries in the state.

B. The authority may:

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

(2) solicit and accept federal, state, local and private grants of funds, property or financial or other aid in any form for the purpose of carrying out the provisions of the Bioscience Authority Act;

(3) adopt rules governing the manner in which its business is transacted and the manner in which the powers of the authority are exercised and its duties performed;

(4) act as an applicant for bioscience facilities and assist in carrying out all tasks and functions for the acquisition or construction of bioscience facilities, including filing all necessary documents and follow-up of such filings with appropriate agencies;

(5) contract with any competent private or public organization or individual to assist in the fulfillment of its duties;

(6) enter into agreements with the federal
government for the operation, improvement and expansion of
bioscience facilities; and

(7) enter into joint ventures, partnerships or
other business relationships with qualified entities and
private persons for the joint funding and operation of
bioscience projects.

C. In exercising its authority, the authority shall
not incur debt as a general obligation of the state or pledge
the full faith and credit of the state to repay debt.

SECTION 6. [NEW MATERIAL] AUTHORITY STAFF--CONTRACTS.--

A. To the extent that funding is available, the
authority shall hire an executive director who shall employ the
necessary professional, technical and clerical staff to enable
the authority to function efficiently.

B. The executive director of the authority shall
direct the affairs and business of the authority, subject to
the policies, control and direction of the board of directors.

C. The authority may contract with any other
competent private or public organization or individual to
assist in the fulfillment of its duties.

SECTION 7. [NEW MATERIAL] FUND CREATED.--

A. The "bioscience development fund" is created in
the state treasury. Separate accounts within the fund may be
created for any project. Money in the fund is appropriated to
the authority for the purposes of carrying out the provisions
of the Bioscience Development Act. Money in the fund shall not revert at the end of a fiscal year.

B. Except as provided in this section, money received by the authority shall be deposited in the fund, including:

(1) money appropriated by the legislature;
(2) interest earned upon money in the fund;
(3) property or securities acquired through the use of money belonging to the fund;
(4) all earnings of property or securities acquired pursuant to Paragraph (3) of this subsection;
(5) all of the money received by the authority from a public or private source; and
(6) fees, rents or other charges imposed and collected by the authority.

C. Disbursements from the bioscience development fund shall be made only upon warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the executive director of the authority or the executive director's designee pursuant to the Bioscience Development Act; provided that in the event the position of executive director is vacant, vouchers may be signed by the chair of the authority.

SECTION 8. [NEW MATERIAL] PROPRIETARY INFORMATION.-- Information obtained by the authority that is proprietary, technical or business information shall be confidential and not
subject to inspection pursuant to the Inspection of Public
Records Act.

SECTION 9. [NEW MATERIAL] REPORT TO THE LEGISLATURE.--The
authority shall submit a report of its activities to the
governor and to the appropriate interim committees of the
legislature not later than October 1 of each year.

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