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HOUSE BILL 12

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Meredith A. Dixon and Angelica Rubio and Kristina Ortez and
Nathan P. Small and Patricia A. Lundstrom

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; ENACTING THE ADVANCED ENERGY
TECHNOLOGY ACT; ALLOWING PUBLIC PARTNERS TO ENTER INTO PUBLIC-
PRIVATE PARTNERSHIP AGREEMENTS TO FACILITATE DEVELOPMENT OF
ADVANCED ENERGY TECHNOLOGY PROJECTS; ESTABLISHING CRITERIA FOR
APPROVAL OF ADVANCED ENERGY TECHNOLOGY PROJECTS; CREATING THE
ADVANCED ENERGY TECHNOLOGY FUND; AUTHORIZING GRANTS, LOANS AND
REVENUE BONDS; SPECIFYING POWERS AND DUTIES OF THE NEW MEXICO
FINANCE AUTHORITY; REQUIRING REPORTS; ADDING AN EXEMPTION TO
THE PROCUREMENT CODE; CREATING THE ECONOMIC TRANSITION DIVISION
OF THE ECONOMIC DEVELOPMENT DEPARTMENT; AMENDING THE TITLE OF A
DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT AND REVISING
ITS DUTIES; CREATING THE ECONOMIC TRANSITION FUND; REVISING
MEMBERSHIP OF THE BOARD OF THE TECHNOLOGY RESEARCH
COLLABORATIVE; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978;
DECLARING AN EMERGENCY.

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

SECTION 1. ~~[NEW MATERIAL]~~ SHORT TITLE.--Sections 1 through 12 of this act may be cited as the "Advanced Energy Technology Act".

SECTION 2. ~~[NEW MATERIAL]~~ DEFINITIONS.--As used in the Advanced Energy Technology Act:

A. "advanced energy technology" means:

(1) an innovative technology:

(a) that produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean or other renewable energy resources;

(b) that produces nuclear energy;

(c) for carbon capture and sequestration;

(d) that enables advanced vehicles, vehicle components and related technologies that result in significant energy savings and emissions reductions; or

(e) that generates, transmits, distributes, uses or stores energy more efficiently than conventional technologies, including through smart grid technologies;

(2) a research, development, demonstration or commercial application activity necessary to ensure the long-term, secure and sustainable supply of an energy-critical

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1 element; or

2 (3) any other innovative energy technology
3 area identified by the board;

4 B. "advanced energy technology project" means a
5 project that:

6 (1) re-equips, expands or establishes a
7 manufacturing or recycling facility for the production or
8 recycling, as applicable, of an advanced energy property; or

9 (2) re-equips an industrial or manufacturing
10 facility with equipment designed to reduce the greenhouse gas
11 emissions of that facility substantially below the greenhouse
12 gas emissions under current best practices, as determined by
13 the secretary of environment, through the installation of:

14 (a) low- or zero-carbon process heat
15 systems;

16 (b) carbon capture, sequestration,
17 transport utilization and storage systems;

18 (c) technology relating to energy
19 efficiency and reduction in waste from industrial processes; or

20 (d) any other industrial technology that
21 significantly reduces greenhouse gas emissions, as determined
22 by the secretary of environment; and

23 (3) has a reasonable expectation of commercial
24 viability, as determined by the board;

25 C. "authority" means the New Mexico finance

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1 authority;

2 D. "board" means the board of the technology
3 research collaborative;

4 E. "greenhouse gas" means gaseous compounds that
5 absorb infrared radiation emitted from the earth's surface and
6 trap heat in the earth's atmosphere, including carbon dioxide,
7 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,
8 nitrogen trifluoride and sulfur hexafluoride, but not including
9 water vapor;

10 F. "hard-to-decarbonize industry" means an industry
11 for which there are not yet easily adopted, cost-effective
12 alternative technologies to eliminate greenhouse gas emissions;

13 G. "net-zero emissions" means allowable direct
14 emissions of greenhouse gases that are fully offset;

15 H. "offset" means a quantifiable, enforceable,
16 additional, permanent and verifiable greenhouse gas reduction
17 or sequestration by biological, chemical or geological means
18 measured in terms of metric tons of carbon dioxide equivalent;

19 I. "private partner" means an individual, a foreign
20 or domestic corporation, a general partnership, a limited
21 liability company, a limited partnership, a joint venture, a
22 business trust, a public benefit corporation, a nonprofit
23 entity or another private business entity or combination
24 thereof;

25 J. "public partner" means the state and its

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1 branches, agencies, departments, boards, instrumentalities or
2 institutions and all political subdivisions of the state and
3 their agencies, instrumentalities and institutions, including a
4 department, an agency, an institution of higher education, a
5 board or a commission;

6 K. "public-private partnership" means an
7 arrangement between one or more public partners and one or more
8 private partners for the development of an advanced energy
9 technology project pursuant to the Advanced Energy Technology
10 Act;

11 L. "public-private partnership agreement" means a
12 contract between one or more public partners and one or more
13 private partners in connection with the development of an
14 advanced energy technology project;

15 M. "revenue" means all revenue, income, earnings,
16 user fees, lease payments or other service payments that
17 support the development of an advanced energy technology
18 project, including money received as a grant or otherwise from
19 the federal government, a public partner or any agency or
20 instrumentality of the federal government; and

21 N. "user fees" means rates, fees or other charges
22 imposed by the public partner or the private partner for use of
23 all or part of a project.

24 SECTION 3. [NEW MATERIAL] PUBLIC-PRIVATE PARTNERSHIP
25 AGREEMENTS--REQUIREMENTS--RESTRICTIONS.--

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1 A. To provide economic and administrative
2 efficiencies in connection with the development of advanced
3 energy technology projects, a public partner is authorized to
4 enter into public-private partnership agreements.

5 B. Prior to entering into negotiations regarding
6 the use of a public-private partnership agreement as a method
7 of implementing a proposed advanced energy technology project,
8 the public partner shall publish in a newspaper of general
9 circulation its interest in considering such an agreement, and
10 such publication shall include a description of the scope of
11 the proposed advanced energy technology projects.

12 C. Prior to entering into a public-private
13 partnership agreement, a public partner shall:

14 (1) undertake a cost-benefit analysis of a
15 public-private partnership advanced energy technology project
16 in comparison with a traditional public partner-managed
17 project;

18 (2) demonstrate the potential of the proposed
19 advanced energy technology project to meet the important public
20 need of reducing carbon emissions, especially in hard-to-
21 decarbonize industries;

22 (3) conduct a public hearing relating to the
23 proposed public-private partnership held in accordance with the
24 Open Meetings Act; and

25 (4) demonstrate that the proposed advanced

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1 energy technology project will comply with applicable state and
2 federal laws.

3 D. A public-private partnership agreement shall:

4 (1) define the roles and responsibilities of
5 the public partners and the private partners;

6 (2) provide financial recapture provisions
7 that protect the public investment in the event of a default on
8 the agreement;

9 (3) provide a finance plan detailing the
10 financial contributions and obligations of the public and
11 private partners;

12 (4) require a private partner to provide, or
13 cause to be provided, performance and payment bonds as required
14 pursuant to Section 13-4-18 NMSA 1978;

15 (5) require a private partner to provide
16 guarantees, letters of credit or other acceptable forms of
17 security, the amount of which may be less than one hundred
18 percent of the value of the public investment involved in the
19 agreement based on the determination of the public partner, or
20 for public-private partnership agreements requiring board
21 approval, based on the determination by the board;

22 (6) specify how revenue will be collected,
23 accounted for and audited;

24 (7) specify how debts incurred on behalf of
25 the public partner or private partner will be repaid;

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1 (8) address how the public partners and the
2 private partners will share management and the risks of the
3 advanced energy technology project;

4 (9) provide that, in the event of an uncured
5 default, the public partner may:

6 (a) elect to take over the advanced
7 energy technology project, including the succession of all
8 rights, title and interest in the advanced energy technology
9 project, subject to any liens on revenue previously granted by
10 the private partner; and

11 (b) terminate the public-private
12 partnership and exercise any other rights and remedies that may
13 be available, where such right to terminate may also be
14 exercised by the board if the board finds it is in the public
15 interest to do so;

16 (10) specify the term of the public-private
17 partnership agreement, which shall not exceed thirty years;

18 (11) limit a private partner from seeking
19 injunctive or other equitable relief to in any way restrict a
20 public partner from developing, constructing or maintaining an
21 advanced energy technology project, except that the public-
22 private partnership agreement may provide for reasonable
23 compensation to the private partner for the adverse effect
24 resulting from development, construction, operation and
25 maintenance of another advanced energy technology project of

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1 the public partner;

2 (12) provide for the protection of proprietary
3 information of the private partner that shall not be deemed a
4 public record pursuant to the Inspection of Public Records Act;
5 and

6 (13) provide provisions for termination of the
7 public-private partnership agreement, including the cessation
8 of the powers and duties of the private partner.

9 E. A public-private partnership agreement for an
10 advanced energy technology project shall not become effective
11 until it is approved by the board pursuant to Subsection E of
12 Section 4 of the Advanced Energy Technology Act.

13 F. The public-private partnership agreement shall
14 require the partners to make annual reports to the board
15 documenting compliance with the applicable limits in Section 5
16 of the Advanced Energy Technology Act.

17 SECTION 4. [NEW MATERIAL] ADVANCED ENERGY TECHNOLOGY
18 BOARD--POWERS--DUTIES.--The board has the following powers and
19 duties:

20 A. propose incentives for New Mexico industrial
21 entities to reduce and offset greenhouse gas emissions;

22 B. work with, and provide support to, existing New
23 Mexico companies and industries seeking to reduce greenhouse
24 gas emissions or reach statewide limits as set forth in Section
25 5 of the Advanced Energy Technology Act;

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1 C. create and establish a process for advance
2 market commitments;

3 D. work with state agencies to ensure that
4 workforce needs of advanced energy technology projects
5 developed under the Advanced Energy Technology Act are met;

6 E. review and approve or disapprove proposed
7 public-private partnership agreements for a project;

8 F. elect a board chair and meet quarterly or at
9 other times deemed necessary by the board chair; the board
10 chair may also cancel quarterly meetings when it is in the
11 interest of the board;

12 G. develop forms of applications for approval of
13 public-private partnerships;

14 H. modify or terminate existing approvals or
15 designations for failure to meet the requirements of the
16 Advanced Energy Technology Act;

17 I. certify the need for the issuance of revenue
18 bonds and refunding bonds by the authority;

19 J. adopt and promulgate rules establishing the
20 application process and criteria for the approval of
21 public-private partnership agreements in accordance with the
22 provisions of the State Rules Act;

23 K. approve or disapprove applications for grants or
24 loans from the advanced energy technology fund for advanced
25 energy technology projects;

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1 L. consult with state agencies, including the
2 economic development department, the energy, minerals and
3 natural resources department, the department of environment or
4 other state agencies, on technical issues relevant to the
5 board's consideration of an application;

6 M. request updates to any technical information,
7 including any annual certification, provided in connection with
8 an approved application or designation; and

9 N. take all other action necessary to implement the
10 Advanced Energy Technology Act, including entering into joint-
11 powers agreements and retaining legal counsel and experts when
12 appropriate.

13 SECTION 5. [NEW MATERIAL] ADVANCED ENERGY TECHNOLOGY
14 PROJECTS--CRITERIA FOR APPROVAL.--

15 A. Before an advanced energy technology project,
16 advance market commitment, incentive, loan or grant can be
17 approved by the board, the applicants for the proposed
18 public-private partnership agreement shall demonstrate their
19 proposed project will contribute to the overall reduction in
20 the following applicable emissions reduction limits:

21 (1) by 2030, statewide direct emissions of
22 greenhouse gases shall be at least fifty percent less than 2005
23 levels;

24 (2) by 2040, statewide direct emissions of
25 greenhouse gases shall be at least seventy-five percent less

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1 than 2005 levels;

2 (3) by 2050 and in every subsequent year,
3 statewide direct emissions of greenhouse gases shall be at
4 least ninety percent less than 2005 levels; and

5 (4) by 2050 and in every subsequent year, any
6 remaining statewide direct emissions of greenhouse gases shall
7 be at least matched by quantifiable, enforceable, additional,
8 permanent and verifiable offsets to achieve net-zero emissions
9 in 2050 and every subsequent year.

10 B. To ensure advanced energy technology projects
11 have meaningful benefits to and achieve reductions of
12 environmental degradation and greenhouse gas emissions in
13 disproportionately impacted communities, the following
14 principles shall be followed when evaluating proposed projects:

- 15 (1) engage overly burdened communities;
- 16 (2) respect tribal sovereignty and require
17 collaboration and consultation;
- 18 (3) maintain accountability and transparency;
- 19 (4) incorporate traditional knowledge and
20 experience;
- 21 (5) advance equitable economic transition;
- 22 (6) prioritize creating and maintaining
23 universal access to utilities; and
- 24 (7) reduce health and environmental impacts.

25 SECTION 6. [NEW MATERIAL] NEW MEXICO FINANCE AUTHORITY

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1 DUTIES.--The authority shall:

2 A. provide staff support to the board for the
3 financial analysis of proposed advanced energy technology
4 projects;

5 B. administer the advanced energy technology fund;

6 C. develop forms of grant and loan applications for
7 advanced energy technology projects seeking funds from the
8 advanced energy technology fund;

9 D. make grants and loans from the advanced energy
10 technology fund for applications that have been approved by the
11 board pursuant to Subsection K of Section 4 of the Advanced
12 Energy Technology Act;

13 E. adopt and promulgate rules as necessary relating
14 to the issuance of bonds for advanced energy technology
15 projects;

16 F. upon certification by the board, issue revenue
17 bonds and refunding bonds in accordance with the provisions of
18 the Advanced Energy Technology Act;

19 G. fix, revise, charge and collect fees and other
20 charges in connection with making, servicing or collecting on
21 grants and loans from the advanced energy technology fund;

22 H. be compensated from the advanced energy
23 technology fund for administrative and reimbursable costs in
24 connection with the authority's support of the board and
25 administration of the advanced energy technology fund; and

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1 I. take all other action necessary to implement the
2 Advanced Energy Technology Act, including entering into joint-
3 powers agreements with other agencies.

4 SECTION 7. ~~[NEW MATERIAL]~~ ADVANCED ENERGY TECHNOLOGY FUND
5 CREATED--STUDY GRANTS--INFRASTRUCTURE LOANS.--

6 A. The "advanced energy technology fund" is created
7 within the authority. The fund consists of appropriations,
8 payments of principal and interest on loans made from the fund,
9 income from investment of the fund and any other money
10 distributed or otherwise allocated to the fund. Balances in
11 the fund at the end of any fiscal year shall not revert to the
12 general fund. The fund may consist of such subaccounts as the
13 authority deems necessary to carry out the purposes of the
14 fund.

15 B. Money in the fund may be used to make grants of
16 up to two hundred fifty thousand dollars (\$250,000) to a public
17 partner for the purposes of studying the costs and benefits of
18 entering into a public-private partnership for a proposed
19 project. A private partner shall provide funds that match or
20 exceed the public partner's monetary obligation for the cost of
21 the study, as required by the authority.

22 C. Money in the fund may be used to provide grants
23 and loans for financing an advanced energy technology project
24 or an advance market commitment through a public-private
25 partnership agreement; provided that:

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1 (1) the private partner shall provide funds
2 that match or exceed the public partner's monetary obligation
3 for the public-private partnership agreement, as provided by
4 rule; and

5 (2) the public partner certifies to the board
6 that the public partner has taken all action necessary to
7 approve the public-private partnership agreement and that the
8 public-private partnership agreement contains all terms and
9 conditions required by Subsection D of Section 3 of the
10 Advanced Energy Technology Act.

11 D. Money in the fund may be used pursuant to
12 Subsections B and C of this section only for grants or loans to
13 a public partner for an eligible project.

14 E. Money in the fund may be used for grants or
15 loans to an Indian nation, tribe or pueblo that has entered
16 into a partnership with a private partner for the development
17 of an advanced energy technology project only if:

18 (1) the agreement between the Indian nation,
19 tribe or pueblo and the private partner is approved by the
20 board; and

21 (2) the grant or loan application is approved
22 by the board.

23 F. Money in the fund may be used for administrative
24 and reimbursable costs incurred by the board, the economic
25 development department, the energy, minerals and natural

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1 resources department or the department of environment and the
2 authority.

3 SECTION 8. [NEW MATERIAL] REVENUE BONDING AUTHORITY.--

4 A. Upon certification of the board, the authority
5 may issue revenue bonds, the pledged revenues for which shall
6 be fees, charges, lease payments, installment sale payments or
7 other revenue sources of a project for any one or more of the
8 purposes authorized by the Advanced Energy Technology Act.

9 B. The authority may pledge irrevocably any or all
10 of the revenue received by the authority to the payment of the
11 interest on and principal of revenue bonds for any of the
12 purposes authorized in the Advanced Energy Technology Act.

13 C. In addition to the pledge of revenues to the
14 payment of revenue bonds, the authority may grant a mortgage on
15 a project that has been solely financed by revenue bonds to the
16 bondholders or a trustee for the benefit of the holders of
17 revenue bonds.

18 D. Revenue in excess of the annual principal and
19 interest due on revenue bonds secured by a pledged revenue may
20 be accumulated in a debt service reserve account. The
21 authority may appoint a commercial bank trust department to act
22 as paying agent or trustee of the revenue and to administer the
23 payment of principal of and interest on the revenue bonds.

24 E. Except as otherwise provided in the Advanced
25 Energy Technology Act, revenue bonds:

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1 (1) may have interest, principal value or any
2 part thereof payable at intervals or at maturity as may be
3 determined by the authority;

4 (2) may be subject to prior redemption at the
5 authority's option at a time and upon terms and conditions,
6 with or without the payment of a premium, as determined by the
7 authority;

8 (3) may mature at any time not exceeding
9 thirty years after the date of issuance;

10 (4) may be serial in form and maturity, may
11 consist of one bond payable at one time or in installments or
12 may be in another form determined by the authority;

13 (5) shall be sold for cash at, above or below
14 par and at a price that results in a net effective interest
15 rate that does not exceed the maximum permitted by the Public
16 Securities Act and the Public Securities Short-Term Interest
17 Rate Act; and

18 (6) may be sold at public or negotiated sale.

19 F. At a regular or special meeting, the authority
20 may, upon receipt of a certification from the board, adopt a
21 resolution that:

22 (1) declares the necessity for issuing revenue
23 bonds;

24 (2) authorizes the issuance of revenue bonds
25 by an affirmative vote of a majority of all of the members of

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1 the authority; and

2 (3) designates the sources of revenues to be
3 pledged to the repayment of the revenue bonds.

4 SECTION 9. [NEW MATERIAL] REFUNDING BOND AUTHORITY.--

5 A. Upon certification of the board, the authority
6 may issue refunding bonds for the purpose of refinancing,
7 paying and discharging all or any part of outstanding bonds for
8 the:

9 (1) acceleration, deceleration or other
10 modification of the payment of the outstanding bonds, including
11 any capitalization of any interest thereon in arrears or about
12 to become due for any period not exceeding two years from the
13 date of the refunding bonds;

14 (2) reduction of interest costs or effecting
15 other economies; or

16 (3) modification or elimination of restrictive
17 contractual limitations pertaining to the issuance of
18 additional bonds or concerning the outstanding bonds or project
19 relating to the outstanding bonds.

20 B. The authority shall pledge irrevocably for the
21 payment of interest, principal and premium, if any, on
22 refunding bonds the appropriate pledged revenues, which may be
23 pledged to an original issue of bonds.

24 C. In addition to the pledge of revenue to the
25 payment of refunding bonds, the authority may grant a mortgage

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1 on a project that has been solely financed by revenue bonds to
2 the bondholders or a trustee for the benefit of the holders of
3 the bonds.

4 D. Refunding bonds may be issued separately or in
5 combination in one series or more.

6 E. Refunding bonds shall be authorized by
7 resolution. Bonds that are refunded shall be paid at maturity
8 or on any permitted prior redemption date in the amounts, at
9 the time and places and, if called prior to maturity, in
10 accordance with any applicable notice provisions, all as
11 provided in the proceedings authorizing the issuance of the
12 refunded bonds or otherwise appertaining thereto, except for
13 any such bond that is voluntarily surrendered for exchange or
14 payment by the holder or owner.

15 F. The principal amount of the refunding bonds may
16 exceed the principal amount of the refunded bonds and may also
17 be less than or the same as the principal amount of the bonds
18 being refunded if provision is duly and sufficiently made for
19 the payment of the refunded bonds.

20 G. The proceeds of refunding bonds, including
21 accrued interest and premiums appertaining to the sale of
22 refunding bonds, shall be immediately applied to the retirement
23 of the bonds being refunded or placed in escrow in a commercial
24 bank or trust company that possesses and exercises trust powers
25 and that is a member of the federal deposit insurance

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1 corporation.

2 H. Refunding bonds may bear additional terms and
3 provisions as determined by the authority subject to the
4 limitations in this section relating to original bond issues.
5 Refunding bonds are not subject to the provisions of any other
6 statute.

7 I. Refunding bonds:

8 (1) may have interest, principal value or any
9 part thereof payable at intervals or at maturity, as determined
10 by the authority;

11 (2) may be subject to prior redemption at the
12 authority's option at a time or times and upon terms and
13 conditions with or without payment of premium or premiums, as
14 determined by the authority;

15 (3) may be serial in form and maturity or may
16 consist of a single bond payable in one or more installments or
17 may be in another form, as determined by the authority; and

18 (4) shall be exchanged for the bonds and any
19 matured unpaid interest being refunded at not less than par or
20 sold at public or negotiated sale at, above or below par and at
21 a price that results in a net effective interest rate that does
22 not exceed the maximum permitted by the Public Securities Act.

23 J. At a regular or special meeting, the authority
24 may adopt a resolution by majority vote to authorize the
25 issuance of the refunding bonds.

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1 SECTION 10. ~~[NEW MATERIAL]~~ BONDS NOT OBLIGATION OF
2 STATE.--All bonds or other obligations issued pursuant to the
3 Advanced Energy Technology Act are payable solely from the
4 revenue of the authority that may be pledged to the payment of
5 such obligations, and the bonds or other obligations shall not
6 create an obligation, debt or liability of the state or of its
7 political subdivisions. No breach of any pledge, obligation or
8 agreement of the authority shall impose a pecuniary liability
9 or a charge upon the general credit or taxing power of the
10 state or of its political subdivisions.

11 SECTION 11. ~~[NEW MATERIAL]~~ REPORT.--By June 1, 2024, and
12 by June 1 of each year thereafter, the board shall provide a
13 report to the governor and the New Mexico finance authority
14 oversight committee regarding:

15 A. advanced energy technology projects, incentives
16 and advance market commitments approved by the board;

17 B. a description of the businesses and industries
18 participating in each advanced energy technology project;

19 C. grant and loan applications approved, denied and
20 pending decisions by the board;

21 D. public-private partnership agreements approved
22 by the board;

23 E. the status of the advanced energy technology
24 fund, including any need for additional appropriation of
25 funding;

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1 F. any certifications for the issuance of revenue
2 or refunding bonds made by the board to the authority;

3 G. any recommendations on how to improve the
4 operation and impacts of the advanced energy technology fund,
5 including any policy directions and funding recommendations;
6 and

7 H. any recommended changes to the Advanced Energy
8 Technology Act, including the advanced energy technology fund.

9 SECTION 12. ~~[NEW MATERIAL]~~ CUMULATIVE AUTHORITY.--The
10 Advanced Energy Technology Act shall be deemed to provide an
11 additional and alternative method for the doing of things
12 authorized by that act and shall be regarded as supplemental
13 and additional to powers conferred by other laws and shall not
14 be regarded as in derogation of any powers now existing;
15 provided that the issuance of bonds pursuant to the provisions
16 of the Advanced Energy Technology Act need not comply with the
17 requirements of any other law applicable to the issuance of
18 bonds, except the Public Securities Act, the Public Securities
19 Short-Term Interest Rate Act and the Public Securities
20 Limitation of Action Act, which acts shall apply.

21 SECTION 13. Section 9-15-4 NMSA 1978 (being Laws 1983,
22 Chapter 297, Section 4, as amended) is amended to read:

23 "9-15-4. DEPARTMENT ESTABLISHED.--There is created in the
24 executive branch the "economic development department". The
25 department shall be a cabinet department and shall consist of,
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1 but not be limited to, [~~six~~] seven divisions as follows:

2 A. the administrative services division;

3 B. the economic development division;

4 C. the New Mexico film division;

5 D. the [~~technology enterprise~~] science, technology
6 and advanced energy division;

7 E. the trade and Mexican affairs division; [~~and~~]

8 F. the New Mexico outdoor recreation division; and

9 G. the economic transition division."

10 SECTION 14. Section 9-15-16 NMSA 1978 (being Laws 1991,
11 Chapter 21, Section 21) is amended to read:

12 "9-15-16. [~~TECHNOLOGY ENTERPRISE~~] SCIENCE, TECHNOLOGY AND
13 ADVANCED ENERGY DIVISION CREATED.--The "[~~technology enterprise~~]
14 science, technology and advanced energy division" is created as
15 a division of the [~~economic development~~] department. The
16 division shall:

17 A. enhance the business climate to encourage the
18 start-up, relocation, development and growth of technology-
19 based industry in New Mexico;

20 B. promote an expanded, diversified technology-
21 based economy, emphasizing areas that:

22 (1) derive from the state's technological
23 strengths;

24 (2) provide a commercial advantage;

25 (3) lend themselves to a distributed

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1 technology-based industry network; and

2 (4) utilize imaginative state, federal and
3 private partnerships; ~~and~~

4 C. attain sufficient levels of human, financial and
5 physical resources to support in-state industries and attract
6 new industries to New Mexico;

7 D. enhance the business climate to encourage the
8 start-up, relocation, development and growth of
9 technology-based industry in New Mexico;

10 E. promote an expanded, diversified technology-
11 based economy, emphasizing areas that:

12 (1) derive from the state's technological
13 strengths;

14 (2) provide a commercial advantage;

15 (3) lend themselves to a distributed
16 technology-based industry network; and

17 (4) use imaginative state, federal and private
18 partnerships;

19 F. attain sufficient levels of human, financial and
20 physical resources to support in-state industries and attract
21 new industries to New Mexico;

22 G. support New Mexico-based efforts for research,
23 development, demonstration, deployment and commercialization of
24 clean energy technologies;

25 H. promote New Mexico as an exceptional location

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1 for the investment in, and location of, advanced energy
2 companies;

3 I. recruit at international and national
4 conferences and expositions companies that offer advanced
5 energy technology products or services, contribute to the
6 development of an advanced energy innovation ecosystem or will
7 be critical components in an advanced energy circular economy;

8 J. identify and disseminate information to help New
9 Mexico-based ventures leverage federal and state opportunities
10 for grants, tax credits and other sources of low-cost funding;

11 K. work with a variety of clean energy entities to
12 apply for federal grant and incentive programs;

13 L. serve as an information hub and network for
14 clean energy technology ventures in New Mexico looking to
15 partner with other technology ventures;

16 M. serve as a network to link ideas and innovations
17 to the marketplace;

18 N. host an annual New Mexico clean energy
19 technology forum to bring companies, academia and national
20 laboratories together to showcase existing companies and the
21 work of national laboratories and research universities in New
22 Mexico;

23 O. identify market gaps in supply and demand for
24 clean energy technologies, supplies or related needs; and

25 P. make proposals to the legislature for additional

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1 policy tools."

2 SECTION 15. Section 9-15-17 NMSA 1978 (being Laws 1991,
3 Chapter 21, Section 22) is amended to read:

4 "9-15-17. DIRECTOR--DUTIES.--The director of the
5 [~~technology enterprise~~] science, technology and advanced energy
6 division is responsible for the overall supervision of the
7 division in accordance with the provisions of Section 9-15-16
8 NMSA 1978. In addition, the director shall:

9 A. formulate and submit to the commission a five-
10 year state technology development plan;

11 B. develop and be responsible for the operating and
12 capital budgets of the division;

13 C. develop agreements with federal research,
14 development, testing and evaluating organizations and
15 universities to facilitate the transfer and commercialization
16 of technology;

17 D. recommend to the secretary proposed projects and
18 contracts in accordance with the policies, procedures and
19 guidelines established by the department;

20 E. subject to the approval of the secretary, apply
21 for and accept any federal funds or grants and private
22 donations;

23 F. develop requests for proposals in technology
24 commercialization areas given priority by the commission in the
25 state's economic development and tourism plan; receive and

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1 refer with commentary to the secretary proposals submitted in
2 response to requests for proposals; confer with research
3 investigators to assist them when needed; monitor progress on
4 state-funded research and development projects; maintain
5 contact with research and development offices of the
6 universities, federal laboratories and private research
7 operations; and receive reports of individual projects;

8 G. prepare an annual report on:

9 (1) the status of the [~~technology enterprise~~]
10 science, technology and advanced energy division;

11 (2) the status of ongoing research and
12 development projects;

13 (3) the results obtained from completed
14 projects and the dissemination of those results; and

15 (4) other activities of the division;

16 H. maintain and update records on the status of all
17 completed and ongoing projects;

18 I. request from each entity under contract with the
19 division a detailed description of tasks and associated budgets
20 for review and approval by the commission; and

21 J. perform such other duties as are assigned to
22 [~~him~~] the director by the secretary in order to further the
23 purposes of Section 9-15-17 NMSA 1978."

24 SECTION 16. Section 9-15-18 NMSA 1978 (being Laws 1991,
25 Chapter 21, Section 23) is amended to read:

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1 "9-15-18. PROPRIETARY INFORMATION.--

2 A. Any information obtained by the [~~technology~~
3 ~~enterprise~~] science, technology and advanced energy division
4 that is deemed by the director to be proprietary technical or
5 business information shall be held in confidence. Proprietary
6 technical or business information shall not be deemed a public
7 record under the Public Records Act or be open to inspection
8 under Section 14-2-1 NMSA 1978. The [~~technology enterprise~~]
9 science, technology and advanced energy division shall take
10 such steps as are necessary to safeguard the confidentiality of
11 the information.

12 B. Notwithstanding Sections 10-15-1 through 10-15-4
13 NMSA 1978 or any other law requiring meetings of public bodies
14 to be open to the public, meetings of the commission shall be
15 closed when proprietary technical or business information is
16 discussed."

17 SECTION 17. Section 9-15-58 NMSA 1978 (being Laws 2021,
18 Chapter 42, Section 1) is amended to read:

19 "9-15-58. SUSTAINABLE ECONOMY TASK FORCE--CREATED--
20 STAFF.--

21 A. The "sustainable economy task force" is created
22 and is administratively attached to the economic development
23 department. The task force consists of the following voting
24 members as follows:

25 (1) the commissioner of public lands or the

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1 commissioner's designee;

2 (2) the secretary of economic development or
3 the secretary's designee;

4 (3) the secretary of finance and
5 administration or the secretary's designee;

6 (4) the secretary of taxation and revenue or
7 the secretary's designee;

8 (5) the secretary of energy, minerals and
9 natural resources or the secretary's designee;

10 (6) the secretary of Indian affairs or the
11 secretary's designee;

12 (7) the secretary of workforce solutions or
13 the secretary's designee;

14 (8) the secretary of general services or the
15 secretary's designee;

16 (9) the secretary of higher education or the
17 secretary's designee;

18 (10) the secretary of public education or the
19 secretary's designee;

20 (11) the secretary of environment or the
21 secretary's designee;

22 (12) the state investment officer or the state
23 investment officer's designee; and

24 (13) the chair of the sustainable economy
25 advisory council.

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1 B. The chair of the task force shall be the
2 secretary of economic development or the secretary's designee,
3 and the vice chair of the task force shall be the member
4 serving as the chair of the sustainable economy advisory
5 council. The task force shall meet at the call of the chair.

6 C. The "sustainable economy advisory council" is
7 created and is administratively attached to the economic
8 development department. The advisory council shall advise the
9 sustainable economy task force and the director of the economic
10 transition division of the department on developing and
11 achieving the goals of the strategic plan provided in Section
12 [~~2 of this 2021 act~~] 9-15-59 NMSA 1978. The advisory council
13 shall consist of the following members:

14 (1) one representative of local governments,
15 appointed by the chair of the task force;

16 (2) [~~two~~] three representatives of
17 disproportionately impacted communities or organizations with
18 experience working with disproportionately impacted
19 communities, appointed by the chair of the task force;

20 (3) two representatives of organizations with
21 experience in sustainable economic development planning and
22 workforce development, appointed by the chair of the task
23 force;

24 (4) one representative from industry and
25 business sectors involved in achieving or that may be affected

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1 by the goals of the sustainable economy task force, appointed
2 by the chair of the task force; ~~and~~

3 (5) eight representatives of tribal
4 governments or entities, appointed by the Indian affairs
5 department;

6 (6) one representative of organizations that
7 operate registered apprenticeship programs, appointed by the
8 chair of the task force in consultation with the current
9 members of the task force;

10 (7) two representatives of worker
11 organizations representing workers in communities in transition
12 as defined in Paragraph (1) of Subsection B of Section 18 of
13 this 2023 act, appointed by the chair of the task force in
14 consultation with the current members of the task force; and

15 (8) two representatives of higher education
16 workforce development programs, appointed by the chair of the
17 task force in consultation with the current members of the task
18 force.

19 D. The chair of the advisory council shall be
20 elected by the members of the advisory council.

21 E. Members of the task force and advisory council
22 may receive per diem and mileage pursuant to the Per Diem and
23 Mileage Act.

24 F. The economic development department shall
25 provide the necessary staff and administrative support to the

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1 task force.

2 G. As used in this section, "disproportionately
3 impacted community" means a community or population of people
4 for which multiple burdens, including environmental and
5 socioeconomic stressors, inequity, poverty, high unemployment,
6 pollution or discrimination, may act to persistently and
7 negatively affect the health, well-being and environment of the
8 community or population and includes tribal communities,
9 communities of color and low-income rural communities and
10 native people, people of color, women, immigrants, youth,
11 formerly incarcerated people, lesbian, gay, bisexual,
12 transgender and queer people and people with disabilities."

13 SECTION 18. A new section of the Economic Development
14 Department Act is enacted to read:

15 "[NEW MATERIAL] ECONOMIC TRANSITION DIVISION--DUTIES.--

16 A. The economic transition division of the
17 department shall:

18 (1) provide programmatic support to fulfill
19 recommendations of the sustainable economy task force for
20 communities in transition and workers in transition and
21 implement the recommendations of the New Mexico clean energy
22 workforce development study commissioned by the workforce
23 solutions department and published in June 2020;

24 (2) support the economic transition of
25 disproportionately impacted communities, communities in

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1 transition and workers in transition from natural resource
2 extraction industries;

3 (3) identify public and private funding
4 sources to support disproportionately impacted communities,
5 communities in transition and workers in transition;

6 (4) coordinate state agencies and coordinate
7 with the federal government in the economic transition of
8 disproportionately impacted communities, communities in
9 transition and workers in transition;

10 (5) provide administrative, logistical,
11 research and policy support to the sustainable economy task
12 force and the sustainable economy advisory council;

13 (6) administer the economic transition fund
14 and provide grants, loans and other financial assistance for
15 economic transition projects and eligible entities to support
16 disproportionately impacted communities, communities in
17 transition and workers in transition;

18 (7) provide technical assistance to
19 disproportionately impacted communities and communities in
20 transition to identify funding streams; and

21 (8) receive and report on state, federal and
22 other funding.

23 B. As used in this section:

24 (1) "community in transition" means a
25 municipality, county, region or Indian nation, tribe or pueblo

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1 that faces historic, current or future significant economic
2 disruption due to the transition from dependency on or market
3 fluctuations in natural resource extractive industries or the
4 closing of an electric generation facility;

5 (2) "disproportionately impacted community"
6 means a community or population of people for which multiple
7 burdens, including environmental and socioeconomic stressors,
8 inequity, poverty, high unemployment, pollution or
9 discrimination, may act to persistently and negatively affect
10 the health, well-being and environment of the community or
11 population and includes tribal communities, communities of
12 color and low-income rural communities and native people,
13 people of color, women, immigrants, youth, formerly
14 incarcerated people, lesbian, gay, bisexual, transgender and
15 queer people and people with disabilities;

16 (3) "economic transition" means the economic,
17 social, health and environmental conditions of workers and
18 communities that are impacted by significant job loss or the
19 loss of one or more industries on which a community depends;

20 (4) "economic transition project" means a
21 project that improves the physical and social infrastructure of
22 communities in transition, provides support to workers in
23 transition, ensures health and safety standards in fossil fuel
24 and emerging industries or promotes economic and workforce
25 development opportunities in non-extractive industries;

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1 (5) "eligible entity" means a county,
2 municipality or other political subdivision of the state; an
3 Indian nation, tribe or pueblo or tribal entity; a state
4 agency; an apprenticeship program registered with the state of
5 New Mexico or the United States department of labor; a pre-
6 apprenticeship program; an integrated education and training
7 program; a public post-secondary educational institution; or a
8 public or private nonprofit organization or association; and

9 (6) "worker in transition" means an individual
10 who has lost or is likely to lose work, employment or income
11 due to changes in market fluctuations, industry downsizing or
12 the phaseout of an extractive industry."

13 SECTION 19. A new section of the Economic Development
14 Department Act is enacted to read:

15 "[NEW MATERIAL] ECONOMIC TRANSITION ACTION PLAN.--

16 A. On or before December 31, 2024, the economic
17 transition division, in consultation with the sustainable
18 economy task force and the sustainable economy advisory
19 council, shall prepare and publish an economic transition
20 action plan. The plan shall be transmitted to the governor,
21 the secretary, the chair and vice chair of the legislative
22 finance committee and the library of the legislative council
23 service.

24 B. The economic transition action plan shall:

25 (1) provide data about the status of New

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1 Mexico's natural resource extractive industries, including
2 economic, environmental and demographic trends affecting
3 disproportionately impacted communities, communities in
4 transition and workers in transition;

5 (2) provide a cost projection for the
6 long-term implementation of the economic transition action plan
7 and the economic transition fund;

8 (3) identify potential sources of funding that
9 may be accessed from federal, state, local and other sources
10 without additional legislative authority or approval;

11 (4) develop guidelines and criteria for a
12 grant and loan program, technical support and other
13 programmatic support for disproportionately impacted
14 communities, communities in transition, workers in transition
15 and eligible entities to help workers in transition build new
16 skills, find new jobs or start businesses and identify
17 strategies appropriate to the strengths and assets of each
18 community;

19 (5) develop guidelines and criteria for a
20 grant and loan program, technical support and other
21 programmatic support for disproportionately impacted
22 communities, communities in transition, workers in transition
23 and eligible entities to develop programs that will create new
24 jobs, promote healthy and sustainable communities and support
25 workforce and community development in non-extractive

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1 businesses and industries;

2 (6) work with the workforce solutions
3 department to recommend benefits for workers in transition,
4 recommend rapid response and peer support programs for workers
5 in transition and expand the services provided by the workforce
6 connections offices in communities in transition;

7 (7) promote and enforce health and safety
8 standards and guidelines outlined by the federal occupational
9 safety and health administration for extractive industries and
10 emerging industries; and

11 (8) include policy recommendations.

12 C. In preparing the economic transition plan, the
13 economic transition division shall:

14 (1) require community feedback and public
15 engagement;

16 (2) focus on rural areas, disproportionately
17 impacted communities and communities in transition; and

18 (3) include opportunities for virtual
19 participation."

20 SECTION 20. A new section of the Economic Development
21 Department Act is enacted to read:

22 "[NEW MATERIAL] ECONOMIC TRANSITION FUND CREATED--ANNUAL
23 REPORT.--

24 A. The "economic transition fund" is created in the
25 state treasury. The fund consists of appropriations, payments

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1 of principal and interest on loans made from the fund, income
2 from investment of the fund and any other money distributed or
3 otherwise allocated to the fund. The economic transition
4 division of the department shall administer the fund. Balances
5 in the fund at the end of any fiscal year shall not revert to
6 the general fund.

7 B. Money in the economic transition fund may be
8 used to provide grants and loans for financing workforce
9 development, apprenticeship programs, training programs,
10 economic transition projects and economic support programs
11 approved by the secretary. As used in this subsection,
12 "economic support programs" means programs that provide
13 financial assistance to workers in transition, regardless of
14 immigration status, to offset changes in income and to
15 participate in job training and readiness programs, including
16 expanded unemployment benefits, supplemental income, monetary
17 incentives, relocation assistance, child care stipends and
18 other grants and loans.

19 C. Money in the economic transition fund may be
20 used pursuant to Subsection B of this section only for grants
21 or loans to an eligible entity.

22 D. Money in the economic transition fund may be
23 used for administrative and reimbursable costs incurred by the
24 department subject to the legislative appropriation process.

25 E. Disbursements from the economic transition fund

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1 shall be made by warrant of the secretary of finance and
2 administration pursuant to vouchers signed by the secretary of
3 economic development or the secretary's authorized
4 representative.

5 F. By December 1, 2023, and by December 1 of each
6 year thereafter, the secretary shall provide a report to the
7 governor and the library of the legislative council service
8 regarding:

9 (1) grants and loans approved by the secretary
10 pursuant to Subsection B of this section;

11 (2) the status of repayment obligations for
12 loans made pursuant to Subsection B of this section;

13 (3) money used for administrative and
14 reimbursable costs pursuant to Subsection D of this section;
15 and

16 (4) the status of the economic transition
17 fund."

18 SECTION 21. Section 13-1-98 NMSA 1978 (being Laws 1984,
19 Chapter 65, Section 71, as amended by Laws 2019, Chapter 48,
20 Section 13 and by Laws 2019, Chapter 63, Section 1) is amended
21 to read:

22 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The
23 provisions of the Procurement Code shall not apply to:

24 A. procurement of items of tangible personal
25 property or services by a state agency or a local public body

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1 from a state agency, a local public body or external
2 procurement unit except as otherwise provided in Sections
3 13-1-135 through 13-1-137 NMSA 1978;

4 B. procurement of tangible personal property or
5 services for the governor's mansion and grounds;

6 C. printing and duplicating contracts involving
7 materials that are required to be filed in connection with
8 proceedings before administrative agencies or state or federal
9 courts;

10 D. purchases of publicly provided or publicly
11 regulated gas, electricity, water, sewer and refuse collection
12 services;

13 E. purchases of books, periodicals and training
14 materials in printed or electronic format from the publishers
15 or copyright holders thereof and purchases of print, digital or
16 electronic format library materials by public, school and state
17 libraries for access by the public;

18 F. travel or shipping by common carrier or by
19 private conveyance or to meals and lodging;

20 G. purchase of livestock at auction rings or to the
21 procurement of animals to be used for research and
22 experimentation or exhibit;

23 H. contracts with businesses for public school
24 transportation services;

25 I. procurement of tangible personal property or

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1 services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978,
2 by the corrections industries division of the corrections
3 department pursuant to rules adopted by the corrections
4 industries commission, which shall be reviewed by the
5 purchasing division of the general services department prior to
6 adoption;

7 J. purchases not exceeding ten thousand dollars
8 (\$10,000) consisting of magazine subscriptions, web-based or
9 electronic subscriptions, conference registration fees and
10 other similar purchases where prepayments are required;

11 K. municipalities having adopted home rule charters
12 and having enacted their own purchasing ordinances;

13 L. the issuance, sale and delivery of public
14 securities pursuant to the applicable authorizing statute, with
15 the exception of bond attorneys and general financial
16 consultants;

17 M. contracts entered into by a local public body
18 with a private independent contractor for the operation, or
19 provision and operation, of a jail pursuant to Sections 33-3-26
20 and 33-3-27 NMSA 1978;

21 N. contracts for maintenance of grounds and
22 facilities at highway rest stops and other employment
23 opportunities, excluding those intended for the direct care and
24 support of persons with handicaps, entered into by state
25 agencies with private, nonprofit, independent contractors who

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1 provide services to persons with handicaps;

2 O. contracts and expenditures for services or items
3 of tangible personal property to be paid or compensated by
4 money or other property transferred to New Mexico law
5 enforcement agencies by the United States department of justice
6 drug enforcement administration;

7 P. contracts for retirement and other benefits
8 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

9 Q. contracts with professional entertainers;

10 R. contracts and expenditures for legal
11 subscription and research services and litigation expenses in
12 connection with proceedings before administrative agencies or
13 state or federal courts, including experts, mediators, court
14 reporters, process servers and witness fees, but not including
15 attorney contracts;

16 S. contracts for service relating to the design,
17 engineering, financing, construction and acquisition of public
18 improvements undertaken in improvement districts pursuant to
19 Subsection L of Section 3-33-14.1 NMSA 1978 and in county
20 improvement districts pursuant to Subsection L of Section
21 4-55A-12.1 NMSA 1978;

22 T. works of art for museums or for display in
23 public buildings or places;

24 U. contracts entered into by a local public body
25 with a person, firm, organization, corporation or association

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1 or a state educational institution named in Article 12, Section
2 11 of the constitution of New Mexico for the operation and
3 maintenance of a hospital pursuant to Chapter 3, Article 44
4 NMSA 1978, lease or operation of a county hospital pursuant to
5 the Hospital Funding Act or operation and maintenance of a
6 hospital pursuant to the Special Hospital District Act;

7 V. purchases of advertising in all media, including
8 radio, television, print and electronic;

9 W. purchases of promotional goods intended for
10 resale by the tourism department;

11 X. procurement of printing, publishing and
12 distribution services for materials produced and intended for
13 resale by the cultural affairs department;

14 Y. procurement by or through the public education
15 department from the federal department of education relating to
16 parent training and information centers designed to increase
17 parent participation, projects and initiatives designed to
18 improve outcomes for students with disabilities and other
19 projects and initiatives relating to the administration of
20 improvement strategy programs pursuant to the federal
21 Individuals with Disabilities Education Act; provided that the
22 exemption applies only to procurement of services not to exceed
23 two hundred thousand dollars (\$200,000);

24 Z. procurement of services from community
25 rehabilitation programs or qualified individuals pursuant to

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1 the State Use Act;

2 AA. purchases of products or services for eligible
3 persons with disabilities pursuant to the federal
4 Rehabilitation Act of 1973;

5 BB. procurement, by either the department of health
6 or Grant county or both, of tangible personal property,
7 services or construction that are exempt from the Procurement
8 Code pursuant to Section 9-7-6.5 NMSA 1978;

9 CC. contracts for investment advisory services,
10 investment management services or other investment-related
11 services entered into by the educational retirement board, the
12 state investment officer or the retirement board created
13 pursuant to the Public Employees Retirement Act;

14 DD. the purchase for resale by the state fair
15 commission of feed and other items necessary for the upkeep of
16 livestock;

17 EE. contracts entered into by the crime victims
18 reparation commission to distribute federal grants to assist
19 victims of crime, including grants from the federal Victims of
20 Crime Act of 1984 and the federal Violence Against Women Act of
21 1994;

22 FF. procurement by or through the early childhood
23 education and care department of early pre-kindergarten and
24 pre-kindergarten services purchased pursuant to the Pre-
25 Kindergarten Act;

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1 GG. procurement of services of commissioned
2 advertising sales representatives for New Mexico magazine;
3 [~~and~~]

4 HH. agreements and contracts entered into pursuant
5 to the Advanced Energy Technology Act; and

6 [~~HH-~~] II. procurements exempt from the Procurement
7 Code as otherwise provided by law."

8 SECTION 22. Section 21-11-8.6 NMSA 1978 (being Laws 2013,
9 Chapter 130, Section 1) is amended to read:

10 "21-11-8.6. TECHNOLOGY RESEARCH COLLABORATIVE CREATED--
11 PURPOSE.--

12 A. The "technology research collaborative" is
13 created. The New Mexico institute of mining and technology
14 shall be the fiscal agent for the collaborative.

15 B. Participating institutions associated with the
16 collaborative shall include national laboratories, other major
17 research institutes and all of the post-secondary educational
18 institutions in New Mexico.

19 C. The purpose of the collaborative is to:

20 (1) establish advanced technology centers
21 based on the wealth of scientific and technical talent that
22 exists in the member institutions;

23 (2) develop and create new intellectual
24 property for the state, encourage new opportunities for
25 business and increase the number of jobs;

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1 (3) commercialize the intellectual property
2 that is created; and

3 (4) create a ~~[work force]~~ workforce to support
4 enterprises based on the intellectual property that is created.

5 D. Intellectual property created by an employee or
6 agent of an institution associated with the collaborative shall
7 be owned by that institution. Intellectual property created
8 jointly by the collaborative and an institution shall be owned
9 jointly by those entities. If the intellectual property is
10 created using federal funds, the applicable federal laws and
11 regulations shall govern the ownership.

12 E. The collaborative may receive appropriations
13 from the legislature through the board of regents of the New
14 Mexico institute of mining and technology and may receive any
15 other items of value from public or private sources.

16 F. The "board of the technology research
17 collaborative" is created. The board shall consist of eleven
18 members as follows:

19 (1) the governor or the governor's designee,
20 who shall chair the collaborative;

21 (2) the presidents, or their designees, of the
22 university of New Mexico, New Mexico state university and the
23 New Mexico institute of mining and technology;

24 (3) five members at large, appointed by the
25 governor with the consent of the senate;

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1 (4) the director of Sandia national
2 laboratories or the director's designee; [~~and~~]

3 (5) the director of Los Alamos national
4 laboratory or the director's designee;

5 (6) the secretary of energy, minerals and
6 natural resources or the secretary's designee who works with
7 advanced energy technology projects for that department;

8 (7) the secretary of environment or the
9 secretary's designee who works with advanced energy technology
10 projects for that department;

11 (8) the chief executive officer of the New
12 Mexico finance authority or the chief executive officer's
13 designee;

14 (9) two tribal representatives, one from the
15 Navajo Nation, Jicarilla Apache Nation or Mescalero Apache
16 Nation, and one from a pueblo;

17 (10) an individual with experience in the
18 development and related engineering of advanced energy
19 technology projects;

20 (11) an individual with experience in the
21 technology and analysis of reductions in greenhouse gas
22 emissions; and

23 (12) a representative of a statewide economic
24 development organization.

25 G. Appointed members shall serve for two-year terms

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1 at the pleasure of the governor. Members shall serve until
2 their successors have been appointed. The governor may fill
3 any vacancy on the board for the remainder of an unexpired
4 term.

5 H. The board may elect officers as it deems
6 necessary to carry out its duties. A majority of the members
7 of the board shall constitute a quorum for the transaction of
8 business, and the board shall meet four times per year. Board
9 members shall not vote by proxy.

10 I. Public members of the board shall receive per
11 diem and mileage pursuant to the Per Diem and Mileage Act and
12 shall receive no other compensation, perquisite or allowance.

13 J. The board shall:

14 (1) employ a director and other staff, who
15 shall be exempt from the provisions of the Personnel Act, as
16 the board deems necessary to provide continuity and management
17 of the collaborative; and

18 (2) prepare annual reports to the legislature
19 on the expenditures and progress of the collaborative."

20 SECTION 23. EMERGENCY.--It is necessary for the public
21 peace, health and safety that this act take effect immediately.