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HOUSE BILL 57

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

KIP W. NICELY

AN ACT

RELATING TO POST-SECONDARY EDUCATION; INCLUDING UTILITY FACILITIES AND HEALTH CARE FACILITIES IN THE DEFINITION OF RESEARCH PARKS; EXPANDING THE PURPOSE OF THE RESEARCH PARK ACT TO INCLUDE SCIENCE, CONSERVATION AND HEALTH CARE; MAKING A RESEARCH PARK AN AGENCY OR POLITICAL SUBDIVISION FOR THE PURPOSE OF FURNISHING GOODS AND SERVICES TO THE OPERATING UNIVERSITY.

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

Section 1. Section 21-28-2 NMSA 1978 (being Laws 1989, Chapter 264, Section 2) is amended to read:

"21-28-2. RESEARCH PARK--PURPOSE. --The purpose of the University Research Park Act is to:

A. promote the public welfare and prosperity of the people of New Mexico; [and]

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1 B. foster economic development within [~~the state~~
2 ~~by forging~~] New Mexico;

3 C. forge links between [~~the state's~~] New Mexico's
4 educational institutions, business and industrial communities
5 and government through the development of research parks on
6 university real property; and [~~through~~]

7 D. engage in other cooperative ventures of
8 innovative technological significance [~~which~~] that will
9 advance education, science, research, conservation, health
10 care or economic development within [~~the state~~] New Mexico. "

11 Section 2. Section 21-28-3 NMSA 1978 (being Laws 1989,
12 Chapter 264, Section 3, as amended) is amended to read:

13 "21-28-3. DEFINITIONS. --As used in the University
14 Research Park Act:

15 A. "bond" or "bonds" means any bond, note or other
16 evidence of indebtedness;

17 B. "regents" means:

18 (1) in the case of an educational institution
19 named in Article 12, Section 11 of the constitution of New
20 Mexico, the board of regents of the institution;

21 (2) in the case of a community college, the
22 community college board;

23 (3) in the case of a technical and vocational
24 institute, the governing board of the technical and vocational
25 institute district; and

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1 (4) in the case of an area vocational school,
2 the governing board of the area vocational school district;

3 C. "research park" means research and development
4 facilities, research institutes, testing laboratories,
5 offices, light manufacturing, utility facilities, health care
6 facilities, related businesses, [~~and~~] government installations
7 and similar facilities, [~~together with~~] including land;
8 [~~including~~] all necessary appurtenances; and rights and
9 franchises acquired, constructed and developed by a university
10 or under its authority [~~which~~] that are suitable or necessary
11 to promote the social welfare [~~of the state~~] of New Mexico
12 through the advancement of education, science, research,
13 conservation, health care, economic development and related
14 purposes;

15 D. "research park corporation" means any
16 corporation formed pursuant to the provisions of the
17 University Research Park Act;

18 E. "technological innovations" means research,
19 development, prototype assembly, manufacture, patenting,
20 licensing, marketing and sale of inventions, ideas, practices,
21 applications, processes, machines, technology and related
22 property rights of all kinds; and

23 F. "university" means:

24 (1) a New Mexico educational institution
25 named in Article 12, Section 11 of the constitution of New

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1 Mexico;

2 (2) a community college organized pursuant to
3 the Community College Act;

4 (3) a technical and vocational institute
5 organized pursuant to the Technical and Vocational Institute
6 Act; and

7 (4) an area vocational school organized
8 pursuant to [~~the Area Vocational School Act~~] Chapter 21,
9 Article 17 NMSA 1978. "

10 Section 3. Section 21-28-6 NMSA 1978 (being Laws 1989,
11 Chapter 264, Section 6) is amended to read:

12 "21-28-6. POWERS OF RESEARCH PARK CORPORATION. -- A
13 research park corporation shall have all the powers necessary
14 and convenient to carry out and effectuate the provisions of
15 the University Research Park Act, including but not limited to
16 the power to:

17 A. [~~to~~] approve or disapprove [~~research~~]
18 proposals;

19 B. [~~to~~] sue and be sued in its corporate name;

20 C. [~~to~~] purchase, take, receive or otherwise
21 acquire; own, hold, dispose of or use; and otherwise deal in
22 and with [~~real property or personal~~] property, including an
23 interest in or ownership of intangible personal property
24 [~~and~~], intellectual property [~~and~~] or technological
25 innovations [~~or any interest therein~~];

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1 D. [~~to~~] sell, convey, pledge, exchange, transfer
2 [~~and~~] or otherwise dispose of [~~all or any part of any of~~] its
3 assets and properties for [~~such~~] consideration upon [~~such~~]
4 terms and conditions [~~as~~] that the corporation shall
5 determine; provided that any sale, conveyance, pledge,
6 exchange, transfer or disposal of [~~any~~] a real property
7 interest by a research park corporation shall be made in
8 accordance with the provisions of Section 13-6-2 NMSA 1978;

9 E. [~~to~~] make contracts, incur liabilities [~~and~~] or
10 borrow money at [~~such~~] rates of interest [~~as~~] that the
11 research park corporation may determine;

12 F. [~~to~~] make and execute all contracts, agreements
13 [~~and~~] or instruments necessary or convenient in the exercise
14 of the powers and functions of the corporation granted by
15 [~~this~~] the University Research Park Act;

16 G. [~~to~~] receive and administer grants, contracts
17 and private gifts;

18 H. [~~to~~] invest and reinvest its funds;

19 I. [~~to~~] conduct its activities, carry on its
20 operations, have offices and exercise the powers granted by
21 the University Research Park Act;

22 J. [~~to~~] make and alter bylaws [~~not inconsistent~~]
23 that may contain provisions indemnifying any person who is or
24 was a director, officer, employee or agent of the corporation
25 and that are consistent with the University Research Park Act,

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1 for the administration and regulation of the affairs of
2 research park corporations [~~and such bylaws may contain~~
3 ~~provisions indemnifying any person who is or was a director,~~
4 ~~officer, employee or agent of the corporation~~];

5 K. [~~to~~] employ [~~such~~] officers and employees [~~as~~]
6 that it deems necessary, set their compensation and prescribe
7 their duties;

8 L. [~~to~~] enter into agreements with insurance
9 carriers to insure against any loss in connection with its
10 operations;

11 M. [~~to~~] authorize retirement programs and other
12 benefits for salaried officers and employees of the research
13 park corporation;

14 N. [~~to~~] employ fiscal consultants, attorneys and
15 [~~such~~] other consultants [~~and employees as~~] that may be
16 required [~~in its judgment~~] and to fix and pay their
17 compensation; and

18 O. [~~to acquire, hold and dispose of intellectual~~
19 ~~property and technological innovations and~~] enter into license
20 agreements and contracts, including those involving
21 intellectual property and technological innovations such as
22 patents, copyrights, franchises and trademarks [~~and matters~~
23 ~~related thereto~~; and

24 P. ~~to do all things authorized by law not~~
25 ~~inconsistent with the provisions of the University Research~~

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1 ~~Park Act~~. "

2 Section 4. Section 21-28-7 NMSA 1978 (being Laws 1989,
3 Chapter 264, Section 7, as amended) is amended to read:

4 "21-28-7. LIMITATIONS ON APPLICATION OF LAWS. -- [~~Except~~
5 ~~as provided in this section~~]

6 A. A research park corporation shall not be deemed
7 an agency, [~~or~~] public body or other political subdivision of
8 [~~the state~~] New Mexico, including for purposes of applying
9 statutes and laws relating to personnel, procurement of goods
10 and services, meetings of the board of directors, gross
11 receipts tax, disposition or acquisition of [~~real or personal~~]
12 property, capital outlays, per diem and mileage and inspection
13 of records.

14 B. A research park corporation shall be deemed an
15 agency or other political subdivision of the state for
16 purposes of applying statutes and laws relating to the
17 furnishing of goods and services to the university that
18 operates it and the risk management fund. [~~and~~]

19 C. A research park corporation, its officers,
20 directors and employees shall be granted immunity from
21 liability for any tort as provided in the Tort Claims Act. A
22 research park corporation may [~~also~~] enter into agreements
23 with insurance carriers to insure against [~~any~~] a loss in
24 connection with its operations even though the loss may be
25 included among losses covered by the risk management fund of

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[~~the state~~] New Mexi co. "

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 January 28, 1998
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9 Mr. Speaker:
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11 Your RULES AND ORDER OF BUSINESS COMMITTEE, to
12 whom has been referred
13

14
15 HOUSE BILL 57
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17 has had it under consideration and finds same to be GERMANE
18 in accordance with constitutional provisions.
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21 Respectfully submitted,
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R. David Pederson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Lujan, Picraux, Sanchez, Taylor, James G., Williams,

S. M

Absent: None

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 4, 1998
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8 Mr. Speaker:
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10 Your EDUCATION COMMITTEE, to whom has been
11 referred
12

13 HOUSE BILL 57
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to
17 the APPROPRIATIONS AND FINANCE COMMITTEE.

18 Respectfully submitted,
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22 _____
23 —
24 Rick Miera, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HEC/HB 57

Page 12

4 Adopted _____ Not Adopted _____

5 —

6 (Chief Clerk)

(Chief Clerk)

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8 Date _____

9
10 The roll call vote was 10 For 0 Against

11 Yes: 10

12 Excused: Mallory, Nicely, Vigil

13 Absent: None

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

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4 February 7, 1998

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 57

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

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16 Respectfully submitted,

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21 Max Coll, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 14

4 Adopted _____ Not Adopted _____

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6 (Chief Clerk)

(Chief Clerk)

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8 Date _____

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10 The roll call vote was 10 For 0 Against

11 Yes: 10

12 Excused: Coll, Garcia, Marquardt, Picraux, Salazar, Taylor, Townsend,
13 Watchman

14 Absent: None

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

February 17, 1998

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 57

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Ben D. Altamirano, Chairman

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstgadt, Ingle, Lyons, McKibben

Absent: None

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

February 16, 1998

Mr. President:

Your EDUCATION COMMITTEE, to whom has been referred

HOUSE BILL 57

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
FINANCE COMMITTEE.

Respectfully submitted,

Cynthia Nava, Chairman

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Duran, Garcia, Gorham

Absent: None

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