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SENATE BILL 773

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO EDUCATION; BROADENING THE SCOPE OF UNIVERSITY  
RESEARCH AND ECONOMIC DEVELOPMENT; AMENDING CERTAIN SECTIONS OF  
THE NMSA 1978.

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

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

"21-28-1. SHORT TITLE.--~~[Sections 1 through 25 of this  
act]~~ Chapter 21, Article 28 NMSA 1978 may be cited as the  
"University Research Park and Economic Development Act"."

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

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

A. promote the public welfare and prosperity of the

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1 people of New Mexico;

2 B. foster economic development within New Mexico;

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

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

11 Section 3. 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 and Economic Development 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; or

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 buildings, offices, light manufacturing, utility facilities,  
6 health care facilities, related businesses, government  
7 installations and similar facilities, including land and  
8 projects for the development of real property; all necessary  
9 appurtenances; and rights and franchises acquired, constructed,  
10 managed and developed by a university or under its authority  
11 that are suitable or necessary to promote the social welfare of  
12 New Mexico through the advancement of education, science,  
13 research, conservation, health care, economic development and  
14 related purposes regardless of whether the activities conducted  
15 in those facilities are directly related to research;

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

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

24                   F. "university" means:

25                   (1) a New Mexico educational institution named

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1 in Article 12, Section 11 of the constitution of New Mexico;

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

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]."~~

9 Section 4. Section 21-28-4 NMSA 1978 (being Laws 1989,  
10 Chapter 264, Section 4) is amended to read:

11 "21-28-4. [UNIVERSITY] RESEARCH PARK CORPORATIONS--  
12 AUTHORIZATION--MEMBERS--TERMS--MEETINGS--BYLAWS.--

13 A. Any university may form, pursuant to the  
14 provisions of the Nonprofit Corporation Act or the Business  
15 Corporation Act, one or more research park corporations,  
16 separate and apart from the state and the university, to  
17 promote, develop and administer research parks or technological  
18 innovations for scientific, educational and economic  
19 development opportunities in accordance with bylaws adopted by  
20 the research park corporation or economic development  
21 initiatives that support the teaching, research or service  
22 mission of the university.

23 B. Each research park corporation shall be governed  
24 by, and all of its functions, powers and duties shall be  
25 exercised by, a board of directors appointed by the regents.

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1 Members of the board of directors may include the president of  
2 the university, the regents, officers and employees of the  
3 university and other persons selected by the regents.

4 C. The board of directors shall elect a [~~chairman~~  
5 chair and [~~such~~] other officers as the board of directors deems  
6 necessary.

7 D. The board of directors shall adopt bylaws, in  
8 accordance with the provisions of the Nonprofit Corporation Act  
9 or the Business Corporation Act, as appropriate, governing the  
10 conduct of the research park corporation in the performance of  
11 its duties under the University Research Park and Economic  
12 Development Act."

13 Section 5. Section 21-28-5 NMSA 1978 (being Laws 1989,  
14 Chapter 264, Section 5) is amended to read:

15 "21-28-5. POWERS OF UNIVERSITY AS RELATED TO RESEARCH  
16 [~~PARK~~] PARKS.--

17 A. The regents of each university shall have the  
18 power to implement and further the purposes of the University  
19 Research Park and Economic Development Act, including the  
20 power:

21 [~~A.~~] (1) to establish, acquire, develop,  
22 maintain and operate research parks, including all necessary or  
23 suitable buildings, facilities and improvements, and to  
24 acquire, purchase, construct, improve, remodel, add to, extend,  
25 maintain, equip and furnish research parks or any building or

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1 facility, including research and service facilities and areas  
2 intended for the common use of research park tenants;

3 ~~[B.]~~ (2) to form research park corporations to  
4 aid and assist the university to acquire, construct, finance,  
5 operate and manage research parks;

6 (3) to form research park corporations to  
7 engage in economic development activities that support the  
8 teaching, research and service mission of the university,  
9 including creating learning opportunities for the students of  
10 the university;

11 ~~[C.]~~ (4) to lease, sell, exchange or transfer  
12 to research park corporations personal property, money and all  
13 or part of the land and facilities included in a research park,  
14 on terms and conditions established by the regents ~~[which]~~ that  
15 are fair, just and reasonable to the university, and to enter  
16 into any other contract or agreement with the research park  
17 corporation for the construction, financing, operation and  
18 management of the research park;

19 ~~[D.]~~ (5) to lease, either directly or through  
20 a research park corporation, to any person, firm, partnership,  
21 government entity or any other lawful entity recognized under  
22 the laws of the state, any part or all of the land, buildings  
23 and facilities of the research park under guidelines  
24 established by the regents;

25 ~~[E.]~~ (6) to allow a lessee, exchanger or

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1 purchaser of university land to acquire or construct necessary  
2 or suitable buildings, facilities and improvements upon  
3 university land; provided that any improvements acquired or  
4 constructed upon university land during the term of any lease  
5 of university land ~~[will]~~ shall revert to and become the  
6 property of the university on termination of the lease or any  
7 renewal or extension;

8 ~~[F.]~~ (7) to construct buildings, facilities  
9 and improvements and to acquire, purchase, construct, improve,  
10 remodel, add to, extend, maintain, equip and furnish research  
11 parks or any building or facility, including research and  
12 service facilities and areas intended for common use of  
13 research park occupants;

14 ~~[G.]~~ (8) to finance all or part of the costs  
15 of the research park, including the purchase, construction,  
16 reconstruction, improvement, remodeling, addition to,  
17 extension, maintenance, equipment and furnishing;

18 ~~[H.]~~ (9) to conduct, sponsor, finance and  
19 contract in connection with technological innovations of all  
20 kinds; and

21 ~~[I.]~~ (10) to do anything else ~~[which]~~ that the  
22 regents deem appropriate to further the purposes of the  
23 University Research Park and Economic Development Act either  
24 directly or indirectly.

25 B. The specification of powers in this section is

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1 not exclusive and shall not be construed to impair or negate  
2 any other power or authority enjoyed by the regents under the  
3 constitution or laws of this state."

4 Section 6. Section 21-28-6 NMSA 1978 (being Laws 1989,  
5 Chapter 264, Section 6, as amended) is amended to read:

6 "21-28-6. POWERS OF RESEARCH PARK CORPORATION.--A  
7 research park corporation shall have all the powers necessary  
8 and convenient to carry out and effectuate the provisions of  
9 the University Research Park and Economic Development Act,  
10 including [~~but not limited to~~] the power to:

- 11 A. approve or disapprove proposals;  
12 B. sue and be sued in its corporate name;  
13 C. purchase, take, receive or otherwise acquire;  
14 own, hold, manage, develop, dispose of or use; and otherwise  
15 deal in and with property, including an interest in or  
16 ownership of intangible personal property, intellectual  
17 property or technological innovations;  
18 D. sell, convey, pledge, exchange, transfer, lease  
19 or otherwise dispose of its assets and properties for  
20 consideration upon terms and conditions that the corporation  
21 shall determine; provided that any sale, conveyance, pledge,  
22 exchange, transfer, lease or disposal of a real property  
23 interest by a research park corporation shall be made in  
24 accordance with the provisions of Section 13-6-2 NMSA 1978;  
25 E. make contracts, incur liabilities or borrow

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1 money at rates of interest that the research park corporation  
2 may determine;

3 F. make and execute all contracts, agreements or  
4 instruments necessary or convenient in the exercise of the  
5 powers and functions of the corporation granted by the  
6 University Research Park and Economic Development Act;

7 G. receive and administer grants, contracts and  
8 private gifts;

9 H. invest and reinvest its funds;

10 I. conduct its activities, carry on its operations,  
11 have offices and exercise the powers granted by the University  
12 Research Park and Economic Development Act;

13 J. make and alter bylaws that may contain  
14 provisions indemnifying any person who is or was a director,  
15 officer, employee or agent of the corporation and that are  
16 consistent with the University Research Park and Economic  
17 Development Act, for the administration and regulation of the  
18 affairs of research park corporations;

19 K. employ officers and employees that it deems  
20 necessary, set their compensation and prescribe their duties;

21 L. enter into agreements with insurance carriers to  
22 insure against any loss in connection with its operations;

23 M. authorize retirement programs and other benefits  
24 for salaried officers and employees of the research park  
25 corporation;

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1 N. employ fiscal consultants, attorneys and other  
2 consultants that may be required and to fix and pay their  
3 compensation; and

4 O. enter into license agreements and contracts,  
5 including those involving intellectual property and  
6 technological innovations such as patents, copyrights,  
7 franchises and trademarks."

8 Section 7. Section 21-28-8 NMSA 1988 (being Laws 1989,  
9 Chapter 264, Section 8) is amended to read:

10 "21-28-8. ISSUANCE OF REVENUE BONDS.--A research park  
11 corporation may [~~from time to time~~] issue negotiable revenue  
12 bonds or notes or both. The proceeds of the sale of bonds  
13 issued pursuant to the University Research Park and Economic  
14 Development Act shall be used to carry out the provisions of  
15 that act and to fund reserves for the research park corporation  
16 to pay interest on the bonds and to pay the necessary expenses  
17 of issuing the bonds, including [~~but not limited to its~~] bond  
18 counsel and fiscal [~~advisory~~] adviser fees and other legal,  
19 consulting and printing fees and costs. All bonds may be  
20 issued in one or more series. The bonds of each issue shall be  
21 dated and bear interest as prescribed by the research park  
22 corporation. The bonds shall mature serially or otherwise not  
23 later than forty years from their date and may be redeemable  
24 before maturity at the option of the research park corporation  
25 at prices and under terms and conditions fixed by the research

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1 park corporation in its resolution or trust agreement providing  
2 for issuance of the bonds. The resolution or trust agreement  
3 shall also determine the form of the bonds, including the form  
4 of any interest coupons to be attached thereto, and shall fix  
5 the denominations of the bonds and the place of the payment of  
6 the principal and interest thereon. The bonds shall be  
7 executed on behalf of the research park corporation as special  
8 obligations of the research park corporation payable only from  
9 the funds specified in the University Research Park and  
10 Economic Development Act and shall not be a debt of this state,  
11 any political subdivision of this state or any university, and  
12 neither this state nor any political subdivision nor university  
13 shall be liable for the debts of the research park corporation.  
14 The resolution or trust agreement may provide for registration  
15 of the bonds as to ownership and for successive conversion and  
16 reconversion from registered to bearer bonds and vice versa.  
17 The bonds may be registered in the principal office of the  
18 research park corporation. After the registration and delivery  
19 to the purchasers, the bonds are incontestable and constitute  
20 special obligations of the research park corporation, and the  
21 bonds and coupons are negotiable instruments under the laws of  
22 this state. The bonds may be sold at public or private sale by  
23 the research park corporation at prices and in accordance with  
24 procedures and terms the research park corporation determines  
25 to be advantageous and reasonably obtainable. The research

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1 park corporation may provide for replacement of any bond  
2 [~~which~~] that may be mutilated or destroyed."

3 Section 8. Section 21-28-9 NMSA 1978 (being Laws 1989,  
4 Chapter 264, Section 9) is amended to read:

5 "21-28-9. STATUS OF BONDS.--Bonds and other obligations  
6 issued under the provisions of the University Research Park and  
7 Economic Development Act shall be deemed issued on behalf of  
8 the university, but shall not be deemed to constitute a debt,  
9 liability, obligation of or a pledge of the faith and credit of  
10 this state or any political subdivision thereof or any  
11 university, but shall be payable solely from the revenue or  
12 assets of the research park corporation pledged for [~~such~~] that  
13 payment. Each obligation issued on behalf of the research park  
14 corporation under the University Research Park and Economic  
15 Development Act shall contain on its face a statement to the  
16 effect that neither this state nor any political subdivision,  
17 university or research park corporation shall be obligated to  
18 pay the same or the interest thereon except from the revenues  
19 or assets pledged therefor and that neither the faith and  
20 credit nor the taxing power of this state, any political  
21 subdivision thereof or any university is pledged to the payment  
22 of the principal of or the interest on such obligation."

23 Section 9. Section 21-28-10 NMSA 1978 (being Laws 1989,  
24 Chapter 264, Section 10) is amended to read:

25 "21-28-10. REFUNDING BONDS.--The board of directors of

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1 [the] a research park corporation may by resolution provide for  
2 the issuance of refunding bonds to refund any outstanding bonds  
3 issued under the University Research Park and Economic  
4 Development Act, together with redemption premiums, if any, and  
5 interest accrued or to accrue thereon. Provisions governing  
6 the issuance and sale of bonds under the University Research  
7 Park and Economic Development Act govern the issuance and sale  
8 of refunding bonds insofar as applicable. Refunding bonds may  
9 be exchanged for the outstanding bonds or may be sold and the  
10 proceeds used to retire the outstanding bonds. Pending the  
11 application of the proceeds of any [~~such~~] refunding bonds, with  
12 any other available funds, to the payment of the principal,  
13 interest and any redemption premiums on the bonds being  
14 refunded, and if so provided or permitted in the resolution of  
15 the research park corporation authorizing the issuance of such  
16 refunding bonds, to the payment of any interest on [~~such~~]  
17 refunding bonds and any expenses incurred in connection with  
18 [~~such~~] refunding, [~~such~~] the proceeds may be placed in escrow  
19 and invested in securities [~~which~~] that are unconditionally  
20 guaranteed by the United States and [~~which~~] that shall mature  
21 or [~~which shall~~] be subject to redemption by the holders  
22 thereof, at the option of the holders, not later than the  
23 respective dates when the proceeds, together with the interest  
24 accruing thereon, will be required for the purposes intended."

25 Section 10. Section 21-28-11 NMSA 1978 (being Laws 1989,

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1 Chapter 264, Section 11) is amended to read:

2 "21-28-11. TRUST AGREEMENTS AUTHORIZED.--In the  
3 discretion of the research park corporation, any bonds issued  
4 under the provisions of the University Research Park and  
5 Economic Development Act may be secured by a trust agreement by  
6 and between the research park corporation and a corporate  
7 trustee, which may be a bank or trust company having trust  
8 powers within or without the state. [~~Such~~] The trust agreement  
9 or the resolution providing for the issuance of [~~such~~] bonds  
10 may pledge or assign all or any part of the revenues or assets  
11 of the research park corporation. [~~Such~~] The trust agreement  
12 or resolution may contain [~~such~~] provisions for protecting and  
13 enforcing the rights and remedies of the holders of any [~~such~~]  
14 bonds as may be reasonable and proper and not in violation of  
15 law, including covenants setting forth the duties of the  
16 research park corporation in relation to the purposes to which  
17 bond proceeds may be applied, the disposition or pledging of  
18 the revenues or assets of the research park corporation and the  
19 custody, safeguarding and application of all money. It [~~shall~~  
20 ~~be~~] is lawful for any bank or trust company incorporated under  
21 the laws of the state [~~which~~] that may act as depository of the  
22 proceeds of bond revenues or other money hereunder to furnish  
23 [~~such~~] indemnifying bonds or to pledge [~~such~~] securities [~~as~~]  
24 that may be required by the research park corporation. Any  
25 [~~such~~] trust agreement or resolution may set forth the rights

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1 and remedies of the holders of any bonds and of the trustee and  
2 may restrict the individual right of action by any [~~such~~]  
3 holders. In addition [~~to the foregoing~~], any [~~such~~] trust  
4 agreement or resolution may contain [~~such~~] other provisions as  
5 the research park corporation may deem reasonable and proper  
6 for the security of the holders of any bonds. All expenses  
7 incurred in carrying out the provisions of [~~such~~] a trust  
8 agreement or resolution may be paid from the revenues or assets  
9 pledged or assigned to the payment of the principal of and the  
10 interest on bonds or from any other funds available to the  
11 research park corporation."

12 Section 11. Section 21-28-13 NMSA 1978 (being Laws 1989,  
13 Chapter 264, Section 13, as amended) is amended to read:

14 "21-28-13. ALL MONEY RECEIVED FROM SALE OF BONDS DEEMED  
15 TRUST FUNDS.--All money received by a research park corporation  
16 from bonds issued under the provisions of the University  
17 Research Park and Economic Development Act shall be deemed  
18 funds to be held in trust, applied as provided in that act or  
19 transferred to other research park corporations, nonprofit  
20 corporations or the university as the research park corporation  
21 deems appropriate. The resolution authorizing any obligations  
22 or the trust agreement securing the obligations may provide  
23 that any of the money covered by this section may be  
24 temporarily invested pending its disbursement. The resolution  
25 shall provide that any officer with whom, or any bank or trust

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1 company with which, the money is deposited shall act as trustee  
2 of the money and shall hold and apply the money for the  
3 purposes of the University Research Park and Economic  
4 Development Act, subject to provisions that [~~regulations~~] rules  
5 under that act and the resolution or trust agreement may  
6 specify. Any such money described in this section received by  
7 a research park corporation may be invested as provided in the  
8 University Research Park and Economic Development Act."

9 Section 12. Section 21-28-15 NMSA 1978 (being Laws 1989,  
10 Chapter 264, Section 15) is amended to read:

11 "21-28-15. RIGHTS OF HOLDERS OF BONDS.--Any holder of  
12 bonds issued under the provisions of the University Research  
13 Park and Economic Development Act or any coupons appertaining  
14 thereto, and the trustee under any trust agreement or  
15 resolution authorizing the issuance of [~~such~~] those bonds,  
16 except as the rights given pursuant to that act may be  
17 restricted by [~~such~~] a trust agreement or resolution, may,  
18 either at law or in equity, by suit, mandamus or other  
19 proceeding, protect and enforce any and all rights under the  
20 laws of this state or granted by that act or under [~~such~~] the  
21 trust agreement or resolution or under any other contract  
22 executed by the research park corporation pursuant to that act,  
23 and may enforce and compel the performance of all duties  
24 required by that act or by [~~such~~] the trust agreement or  
25 resolution to be performed by the research park corporation or

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1 by any officer thereof."

2 Section 13. Section 21-28-16 NMSA 1978 (being Laws 1989,  
3 Chapter 264, Section 16, as amended) is amended to read:

4 "21-28-16. LEGAL INVESTMENTS--TAX EXEMPTION.--All bonds  
5 issued by a research park corporation under the University  
6 Research Park and Economic Development Act are legal and  
7 authorized investments for banks, savings banks, trust  
8 companies, savings and loan associations, insurance companies,  
9 fiduciaries, trustees and guardians and for the sinking funds  
10 of political subdivisions, departments, institutions and  
11 agencies of this state. When accompanied by all unmatured  
12 coupons appurtenant to them, the bonds are sufficient security  
13 for all deposits of state funds and of all funds of any board  
14 in control of public money at the par value of the bonds. The  
15 bonds and the income from the bonds are free from taxation  
16 within this state, except estate taxes. The research park  
17 corporation in its discretion and by [~~such~~] those means as it  
18 deems appropriate may waive the exemption from federal income  
19 taxation of interest on the bonds. The bonds subject to  
20 federal income taxation issued by the research park corporation  
21 shall be payable as to principal and interest with such  
22 frequency as may be required by the research park corporation."

23 Section 14. Section 21-28-17 NMSA 1978 (being Laws 1989,  
24 Chapter 264, Section 17) is amended to read:

25 "21-28-17. ANNUAL REPORT AND AUDIT.--

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1           A. A research park corporation shall, within ninety  
2 days following the close of each fiscal year, submit an annual  
3 report of its activities for the preceding year as required by  
4 the Nonprofit Corporation Act or the Business Corporation Act  
5 under which the research park is incorporated. The board of  
6 directors of the research park corporation shall annually  
7 contract with an independent certified public accountant,  
8 licensed by the state, to perform an examination and audit of  
9 the accounts and books of the research park corporation,  
10 including its receipts, disbursements, contracts, leases,  
11 sinking funds, investments and any other records and papers  
12 relating to its financial standing, and the certified public  
13 accountant shall make a determination as to whether the  
14 research park corporation has complied with the provisions of  
15 the University Research Park and Economic Development Act. The  
16 person performing the audit shall furnish copies of the audit  
17 report to the regents of the university and the [~~state~~  
18 ~~corporation~~] public regulation commission where they shall be  
19 placed on file and made available for inspection by the general  
20 public.

21           B. Subject to the provisions of any contract with  
22 bondholders or noteholders, a research park corporation shall  
23 prescribe a system of accounts.

24           C. The costs of audits and examinations performed  
25 pursuant to this section shall be paid by the research park

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1 corporation."

2 Section 15. Section 21-28-20 NMSA 1978 (being Laws 1989,  
3 Chapter 264, Section 20) is amended to read:

4 "21-28-20. CONFLICTS OF INTEREST.--

5 A. If any director, officer or employee of [~~the~~] a  
6 research park corporation [~~shall be~~] is interested either  
7 directly or indirectly or [~~shall be~~] is an officer or employee  
8 of or [~~have~~] has any ownership interest in any firm or legal  
9 entity interested directly or indirectly in any contract with  
10 the research park corporation, except for any agency,  
11 instrumentality, department or political subdivision of the  
12 state, such interest shall be disclosed to and shall be set  
13 forth in the minutes of the research park corporation that is a  
14 party to the contract. The director, officer or employee  
15 having [~~such~~] that interest shall not participate on behalf of  
16 the research park corporation in the authorization of the  
17 contract.

18 B. No director, officer or employee of [~~the~~] a  
19 research park corporation or state officer shall accept any  
20 gratuities in connection with the issuance of bonds under the  
21 University Research Park and Economic Development Act, nor  
22 shall [~~any such~~] that individual be reimbursed for expenses  
23 incident to the issuing of bonds except such expenses as are  
24 reimbursed as provided under the provisions of rules of the  
25 regents.

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1 C. Nothing in this section shall prohibit an  
2 officer, director or employee of a financial institution from  
3 participating as a member of the board of directors of ~~the~~ a  
4 research park corporation in setting general policies of the  
5 research park corporation, nor shall any provision of this  
6 section be construed as prohibiting a financial institution of  
7 New Mexico from making loans guaranteed pursuant to the  
8 provisions of the University Research Park and Economic  
9 Development Act because an officer, director or employee of the  
10 financial institution serves as a member of the board of  
11 directors of the research park corporation.

12 D. Any person who violates the provisions of this  
13 section is guilty of a misdemeanor and shall be sentenced for a  
14 definite term of less than one year, a fine of one thousand  
15 dollars (\$1,000), or both."

16 Section 16. Section 21-28-22 NMSA 1978 (being Laws 1989,  
17 Chapter 264, Section 22) is amended to read:

18 "21-28-22. AGREEMENT WITH THE STATE.--The state does  
19 hereby pledge to and agree with the holders of any bonds or  
20 notes issued under the University Research Park and Economic  
21 Development Act that the state will not limit or alter the  
22 rights hereby vested in the research park corporation by that  
23 act to fulfill the terms of any agreement made with the holders  
24 thereof or in any way impair the rights and remedies of ~~such~~  
25 those holders until ~~such~~ the bonds or notes, together with

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1 the interest thereon, with interest on any unpaid installments  
2 of interest and all costs and expenses in connection with any  
3 action or proceedings by or on behalf of [~~such~~] those holders,  
4 are fully met and discharged. [~~The~~] A research park  
5 corporation is authorized to include this pledge and agreement  
6 of the state in any agreement with the holders of [~~such~~] the  
7 bonds or notes."

8 Section 17. Section 21-28-23 NMSA 1978 (being Laws 1989,  
9 Chapter 264, Section 23) is amended to read:

10 "21-28-23. WORK TO CONFORM TO FEDERAL LAW WHEN AIDED BY  
11 FEDERAL APPROPRIATIONS.--In the event of congress making  
12 appropriations for the conduct of work similar to that  
13 specified in the University Research Park and Economic  
14 Development Act, the work of the research park shall conform to  
15 the requirements imposed as the conditions for [~~such~~] those  
16 federal appropriations in order that the work of the research  
17 park may be aided and extended by means of [~~such~~] those federal  
18 appropriations for scientific, engineering and industrial  
19 research."

20 Section 18. Section 21-28-24 NMSA 1978 (being Laws 1989,  
21 Chapter 264, Section 24) is amended to read:

22 "21-28-24. CONTRACTS INVOLVING OFFICERS OR EMPLOYEES OF  
23 EDUCATIONAL INSTITUTIONS AND STATE AGENCIES OR POLITICAL  
24 SUBDIVISIONS.--[~~The~~] A research park corporation shall not  
25 enter into any contract involving services or property of a

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underscoring material = new  
[bracketed material] = delete

1 value in excess of twenty thousand dollars (\$20,000) with an  
2 employee of the university or with a business in which the  
3 employee has a controlling interest, except as provided in  
4 Section ~~[25 of the University Research Park Act]~~ 21-28-25 NMSA  
5 1978 if the employee has a controlling interest, unless the  
6 president of the university or [his] the president's designee  
7 makes a determination, in writing, that the employee is able to  
8 provide services that are not readily available from another  
9 person or is able to provide services ~~[which]~~ that are less  
10 expensive or of higher quality than is otherwise available."

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