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SENATE BILL

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Michael Padilla

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; CREATING THE TECHNOLOGY RESEARCH COLLABORATIVE FUND; AUTHORIZING GRANTS FOR TECHNOLOGY RESEARCH; REPEALING THE NEW MEXICO RESEARCH APPLICATIONS ACT; MAKING AN APPROPRIATION.

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

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

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

A. The "technology research collaborative" is created. The ~~[New Mexico institute of mining and technology shall be the fiscal agent for the collaborative]~~ technology research collaborative shall be administratively attached to the economic development department.

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1 B. Participating institutions associated with the
2 technology research collaborative shall include national
3 laboratories, other major research institutes and all of the
4 post-secondary educational institutions in New Mexico.

5 C. The purpose of the technology research
6 collaborative is to:

7 (1) establish advanced technology centers
8 based on the wealth of scientific and technical talent that
9 exists in the member institutions;

10 (2) develop and create new intellectual
11 property for the state, encourage new opportunities for
12 business and increase jobs; and

13 (3) commercialize the intellectual property
14 that is created. [~~and~~

15 ~~(4) create a work force to support enterprises~~
16 ~~based on the intellectual property that is created]~~

17 D. Intellectual property created by an employee or
18 agent of an institution associated with the technology research
19 collaborative shall be owned by that institution. Intellectual
20 property created jointly by the technology research
21 collaborative and an institution shall be owned jointly by
22 those entities. If the intellectual property is created using
23 federal funds, the applicable federal laws and regulations
24 shall govern the ownership.

25 ~~[E. The collaborative may receive appropriations~~

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1 ~~from the legislature through the board of regents of the New~~
2 ~~Mexico institute of mining and technology and may receive any~~
3 ~~other items of value from public or private sources.~~

4 ~~F.]~~ E. The "board of the technology research
5 collaborative" is created. The board shall consist of eleven
6 members as follows:

7 (1) the governor or the governor's designee,
8 who shall chair the collaborative;

9 (2) the presidents, or their designees, of the
10 university of New Mexico, the university of New Mexico health
11 sciences center, New Mexico state university and the New Mexico
12 institute of mining and technology;

13 (3) ~~[five]~~ two members at large, appointed by
14 the governor with the consent of the senate;

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

17 (5) the director of Los Alamos national
18 laboratory or the director's designee;

19 (6) the director of the air force research
20 laboratory at Kirtland air force base or the director's
21 designee; and

22 (7) the director of the army research
23 laboratory at White Sands missile range or the director's
24 designee.

25 ~~[G.]~~ F. Appointed members shall serve for two-year

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

5 ~~[H.]~~ G. 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 a minimum of four times per
9 year. Board members shall not vote by proxy.

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

14 ~~[J.]~~ I. The board ~~[shall]~~:

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

19 (2) shall prepare annual reports to the
20 legislature on the expenditures and progress of the technology
21 research collaborative.

22 J. The "technology research collaborative fund" is
23 created in the state treasury. The fund consists of
24 appropriations, gifts, grants, donations, income from
25 investment of the fund and other money distributed or otherwise

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1 allocated to the fund. Balances in the fund at the end of any
2 fiscal year shall not revert to the general fund. The economic
3 development department shall administer the fund.

4 Disbursements from the fund shall be made by warrant of the
5 secretary of finance and administration pursuant to vouchers
6 signed by the secretary of economic development or the
7 secretary's authorized representative.

8 K. Money in the technology research collaborative
9 fund may be used to make grants of not less than fifty thousand
10 dollars (\$50,000) and not greater than five hundred thousand
11 dollars (\$500,000) to provide financing for technology research
12 and marketing through grants to participating institutions
13 associated with the technology research collaborative. Grants
14 may be approved only by an affirmative vote of at least seven
15 members of the board. Grants shall include at least the
16 university of New Mexico, the university of New Mexico health
17 sciences center, New Mexico state university or the New Mexico
18 institute of mining and technology and Sandia national
19 laboratories, Los Alamos national laboratory, the air force
20 research laboratory at Kirtland air force base or the army
21 research laboratory at White Sands missile range. Grants shall
22 be evaluated and approved or denied based upon the following
23 criteria:

24 (1) the member institutions involved in the
25 grant;

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- 1 (2) the purpose for which the matured
2 technology may be used;
3 (3) the commercial market potential for the
4 matured technology;
5 (4) the readiness of the technology for
6 potential commercial use;
7 (5) resources needed to complete the
8 technology development;
9 (6) the proposed time line for completion of
10 the technology development; and
11 (7) the potential for private sector job
12 creation resulting from commercialized use of the matured
13 technology.

14 L. Money in the technology research collaborative
15 fund may be used for administrative and reimbursable costs
16 incurred by the technology research collaborative and by the
17 economic development department."

18 SECTION 2. APPROPRIATION.--Twenty-five million dollars
19 (\$25,000,000) is appropriated from the general fund to the
20 technology research collaborative fund for expenditure in
21 fiscal year 2023 and subsequent fiscal years for grants in
22 support of the purposes of the technology research
23 collaborative; provided that not more than five million dollars
24 (\$5,000,000) shall be expended in any one fiscal year. Any
25 unexpended or unencumbered balance remaining at the end of a

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1 fiscal year shall not revert to the general fund.

2 SECTION 3. REPEAL.--Sections 53-7B-1 through 53-7B-10
3 NMSA 1978 (being Laws 2009, Chapter 66, Sections 1 through 10)
4 are repealed.

5 SECTION 4. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2022.

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