

HOUSE BILL 449

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

Derrick J. Lente

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CAPITAL IMPROVEMENTS; CREATING THE HIGHER EDUCATION MAJOR PROJECTS FUND; SPECIFYING ELIGIBLE USES OF THE FUND; PROVIDING CRITERIA FOR FUNDING; SPECIFYING REQUIREMENTS; REQUIRING THE HIGHER EDUCATION DEPARTMENT TO ADOPT SPACE AND DESIGN STANDARDS; ALLOWING THE LEGISLATURE TO WAIVE MATCH REQUIREMENTS.

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

.229954.4AIC      March 4, 2025 (6:53pm)

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SECTION 1. [NEW MATERIAL] HIGHER EDUCATION MAJOR PROJECTS

FUND--CREATED.--

A. The "higher education major projects fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, income from investment of the fund, gifts, grants, donations and other money credited to the fund. The fund shall be administered by the department, and money in the fund is subject to appropriation by the legislature for qualifying major capital outlay projects at educational institutions. Expenditures shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of higher education or the secretary's authorized representative.

B. Eligible uses of the fund include:

(1) for the four-year educational institutions, major capital projects for instruction and general and research purposes, which means projects costing fifty million dollars (\$50,000,000) or more; and

(2) for the four- and the two-year educational institutions ~~HAFC~~→**and tribal colleges located in New Mexico**←~~HAFC~~ , student housing and student life projects.

C. Except as provided in Subsection D of this section, eligible major projects shall meet the following criteria before appropriations are made from the fund:

(1) for design phase funding, the educational institution shall provide at least a twenty-five percent match

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from sources other than the state for major instructional and general and research purposes and at least a fifty percent match from sources other than the state for student housing and student life projects; and

(2) for construction phase funding, the educational institution shall provide at least a ten percent match from sources other than the state for major instructional and general and research purposes and for student housing and student life projects:

(a) at least a fifty percent match from sources other than the state for two-year educational institutions H AFC → and tribal colleges located in New Mexico ← H AFC ; and

(b) at least a twenty percent match from sources other than the state for four-year educational institutions.

D. Student housing and student life projects shall adhere to space and design standards adopted by the higher education department. To the extent a H AFC → major ← H AFC capital outlay project exceeds the standards, the associated costs shall not be paid by the state.

E. The match requirements provided for in Subsection C of this section may be eligible to be waived upon a finding by the department that the educational institution cannot reasonably afford the required match with institutional reserves, bonds or other sources available to the educational

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institution. The secretary of higher education shall notify the secretary of finance and administration and the director of the legislative finance committee of the findings by November 1 of the year preceding the legislative session in which funding is being sought by the educational institution. Waivers shall be subject to the ratification and approval of the legislature prior to the waiver being granted.

F. Money from the fund shall not be appropriated for construction phase funding prior to the completion of at least fifty percent of the design phase and the submission of design documents to the department and the legislative finance committee.

G. In addition to other requirements in this section, an educational institution shall provide to the department and the legislative finance committee documentation showing historic on-campus student populations and the expected number of on-campus students to be served by a new facility and documentation demonstrating the new facility's compliance with existing institutional space standards and policies.

H. As used in this section:

(1) "department" means the higher education department;

(2) "four-year educational institution" means a university enumerated in Article 12, Section 11 of the constitution of New Mexico; and

(3) "two-year educational institution" means a

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H AFC→public←H AFC community college H AFC→~~or a tribal college~~  
~~located wholly within the exterior boundaries of New~~  
~~Mexico~~←H AFC H AFC→, including branch community colleges←H AFC ,  
but does not mean a constitutional special school.

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