

HOUSE BILL 449

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

INTRODUCED BY

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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:

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

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1 the fund is subject to appropriation by the legislature for
2 qualifying major capital outlay projects at educational
3 institutions. Expenditures shall be by warrant of the
4 secretary of finance and administration pursuant to vouchers
5 signed by the secretary of higher education or the secretary's
6 authorized representative.

7 B. Eligible uses of the fund include:

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

12 (2) for the four- and the two-year educational
13 institutions, student housing and student life projects.

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

17 (1) for design phase funding, the educational
18 institution shall provide at least a twenty-five percent match
19 from sources other than the state for major instructional and
20 general and research purposes and at least a fifty percent
21 match from sources other than the state for student housing and
22 student life projects; and

23 (2) for construction phase funding, the
24 educational institution shall provide at least a ten percent
25 match from sources other than the state for major instructional

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1 and general and research purposes and for student housing and
2 student life projects:

3 (a) at least a fifty percent match from
4 sources other than the state for two-year educational
5 institutions; and

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

9 D. Student housing and student life projects shall
10 adhere to space and design standards adopted by the higher
11 education department. To the extent a major capital outlay
12 project exceeds the standards, the associated costs shall not
13 be paid by the state.

14 E. The match requirements provided for in
15 Subsection C of this section may be eligible to be waived upon
16 a finding by the department that the educational institution
17 cannot reasonably afford the required match with institutional
18 reserves, bonds or other sources available to the educational
19 institution. The secretary of higher education shall notify
20 the secretary of finance and administration and the director of
21 the legislative finance committee of the findings by November 1
22 of the year preceding the legislative session in which funding
23 is being sought by the educational institution. Waivers shall
24 be subject to the ratification and approval of the legislature
25 prior to the waiver being granted.

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