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SENATE BILL 262

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE HIGHER EDUCATION
CAPITAL OUTLAY ACT; CREATING THE HIGHER EDUCATION CAPITAL
OUTLAY COUNCIL AND THE HIGHER EDUCATION CAPITAL OUTLAY FUND;
MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE.--This act may be cited as the
"Higher Education Capital Outlay Act".

Section 2. DEFINITIONS.--As used in the Higher Education
Capital Outlay Act:

- A. "council" means the higher education capital
outlay council;
- B. "fund" means the higher education capital outlay
fund; and
- C. "institution" means a state educational

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1 institution confirmed by Article 12, Section 11 of the
2 constitution of New Mexico or a two-year public post-secondary
3 educational institution created pursuant to statute.

4 Section 3. HIGHER EDUCATION CAPITAL OUTLAY COUNCIL.--

5 A. The "higher education capital outlay council" is
6 created, consisting of the following seven members:

7 (1) the secretary of finance and
8 administration or the secretary's designee;

9 (2) the governor or the governor's designee;

10 (3) the director of the legislative finance
11 committee or the director's designee;

12 (4) the director of the legislative council
13 service or the director's designee;

14 (5) the secretary of higher education or the
15 secretary's designee;

16 (6) a representative of a four-year
17 institution, appointed by the governor; and

18 (7) a representative of a two-year
19 institution, appointed by the governor.

20 B. The council shall investigate all applications
21 for assistance from the fund and shall certify the approved
22 applications for distribution of funds.

23 C. The council shall elect a chair from among its
24 members and shall meet at the call of the chair.

25 Section 4. FUND CREATED.--The "higher education capital

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1 outlay fund" is created in the state treasury. The fund
2 consists of appropriations, gifts, grants, donations and
3 bequests made to the fund. The fund shall be administered by
4 the department of finance and administration. Income from the
5 fund shall be credited to the fund and money in the fund shall
6 not be transferred or revert to any other fund at the end of a
7 fiscal year. Money in the fund is appropriated to the council
8 for the purposes of making grants to institutions for capital
9 outlay projects approved by the council. Expenditures shall be
10 made on warrant of the secretary of finance and administration
11 on vouchers signed by the chair of the council.

12 Section 5. PROJECTS--APPLICATION--APPROVAL.--

13 A. The council shall develop criteria for assessing
14 the critical capital outlay needs of each institution and for
15 evaluating and prioritizing applications for grant assistance
16 from the fund.

17 B. Applications for grant assistance from the fund
18 shall be made by institutions to the council in accordance with
19 the requirements of the council. The council shall require as
20 a condition of application that an institution have a current
21 five-year facilities plan and a current preventive maintenance
22 plan for all facilities of the institution.

23 C. Using the criteria developed pursuant to
24 Subsection A of this section, the council shall evaluate
25 applications and prioritize those projects most in need of

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1 grant assistance from the fund. To the extent that money in
2 the fund is available, the council shall award grant assistance
3 for those prioritized projects.

4 D. In awarding grant assistance, the council may
5 require conditions and procedures necessary to ensure that the
6 money is expended in the most prudent manner.

7 E. No later than December 15 of each year, the
8 council shall prepare a report summarizing its activities
9 during the previous fiscal year. The report shall describe in
10 detail all projects funded, the progress of projects previously
11 funded but not completed, the criteria used to evaluate,
12 prioritize and fund projects and all other council actions.
13 The report shall be submitted to the governor, the legislative
14 finance committee and the legislature.

15 Section 6. APPROPRIATION.--One hundred million dollars
16 (\$100,000,000) is appropriated from the general fund to the
17 higher education capital outlay fund for expenditure in fiscal
18 year 2007 and subsequent fiscal years for the purpose of
19 awarding grant assistance for capital outlay projects pursuant
20 to the Higher Education Capital Outlay Act. Any unexpended or
21 unencumbered balance remaining at the end of a fiscal year
22 shall not revert to the general fund.