

HOUSE BILL 424

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

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AN ACT

RELATING TO HIGHER EDUCATION; REQUIRING CERTAIN EDUCATIONAL INSTITUTIONS TO CONSIDER SHARING PHYSICAL FACILITIES FOR INSTRUCTIONAL PURPOSES.

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

SECTION 1. A new section of Chapter 21, Article 1 NMSA 1978 is enacted to read:

"[NEW MATERIAL] REQUESTS TO SHARE PHYSICAL FACILITIES.--

A. Educational institutions shall share physical facilities for instructional purposes whenever it is reasonably feasible to do so.

B. An educational institution requesting permission of another educational institution to use the other educational institution's physical facilities for instructional purposes shall state with specificity the extent and timing of the

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1 proposed instructional use.

2 C. After receiving a request for the use of its  
3 physical facilities by another educational institution, the  
4 chief operating officer of the requested educational  
5 institution shall respond to the request in writing within  
6 ninety days of receipt of the request.

7 D. The requested educational institution may grant  
8 the request for the use of its physical facilities and may  
9 impose reasonable conditions, or it may deny the request. If  
10 the request is granted with conditions or is denied, the chief  
11 operating officer of the requested educational institution  
12 shall state with particularity the reasons for the conditions  
13 or the denial.

14 E. If an educational institution's request for the  
15 use of another educational institution's physical facilities is  
16 denied, or if a requesting educational institution objects to  
17 conditions imposed upon the use of another educational  
18 institution's physical facilities, the requesting educational  
19 institution may appeal the decision to the secretary of higher  
20 education.

21 F. After receiving an appeal concerning a request  
22 for the use of its physical facilities by another educational  
23 institution, the secretary of higher education shall, within  
24 ninety days of receiving the appeal issue a decision regarding  
25 the appeal, and shall state with particularity the reasons for

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1 the decision.

2 G. The secretary of higher education shall have the  
3 authority to require educational institutions to share physical  
4 facilities for instructional purposes pursuant to this section.

5 H. As used in this section:

6 (1) "chief operating officer" means the  
7 president, chief executive officer or chief academic officer of  
8 the educational institution; and

9 (2) "educational institution" means the  
10 educational institutions enumerated in Article 12, Section 11  
11 of the constitution of New Mexico."

12 - 3 -