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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; ALLOWING THE LEGISLATURE TO WAIVE MATCH
REQUIREMENTS; SPECIFYING INITIAL PRIORITIES.

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

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

"HIGHER EDUCATION MAJOR PROJECTS FUND--CREATED--ELIGIBLE
USES--MATCH REQUIREMENTS.--

A. 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;

(3) "student life projects" means major
capital outlay for nonacademic purposes that enhances
students' college experience, including recreation centers,
dining halls, athletic facilities for state universities
participating in division 1 and division 2 athletics and in
good standing with the national collegiate athletic
association and other campus amenity facilities; and

1 (4) "two-year educational institution" means
2 a community college, including branch community colleges,
3 northern New Mexico state school and the New Mexico military
4 institute for its junior college program.

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

16 C. Eligible uses of the fund include:

17 (1) for the four-year educational
18 institutions, major capital outlay projects for:

19 (a) research and instruction and
20 general purposes costing fifty million dollars (\$50,000,000)
21 or more; and

22 (b) student housing and student life
23 projects; and

24 (2) for the two-year educational
25 institutions and tribal colleges located wholly within New

1 Mexico, student housing and student life projects.

2 D. Except as provided in Subsection E of this
3 section, major capital outlay projects shall meet the
4 following match requirements from sources other than the
5 state before expenditures are made from the fund:

6 (1) for design phase funding:

7 (a) for the four-year educational
8 institutions, at least twenty-five percent for research and
9 instruction and general purposes and at least fifty percent
10 for student housing and student life projects; and

11 (b) for the two-year educational
12 institutions, at least fifty percent for student housing and
13 student life projects; and

14 (2) for construction phase funding:

15 (a) for the four-year educational
16 institutions, at least ten percent for research and
17 instruction and general purposes and at least twenty percent
18 for student housing and student life projects; provided that
19 for athletic facilities, the project cost is at least fifty
20 million dollars (\$50,000,000) and the match requirement,
21 which is not waivable, is at least fifty percent of project
22 cost; and

23 (b) for the two-year educational
24 institutions, at least fifty percent for student housing and
25 student life projects.

1 E. A required match may be eligible to be waived
2 upon a finding by the department that the educational
3 institution cannot reasonably afford the match with
4 institutional reserves, institutional bonds in accordance
5 with the Institution Bond Act, property tax levies, federal
6 or tribal support, student fees or other applicable nonstate
7 revenue. The department shall promulgate rules to specify
8 requirements and procedures for waivers. The secretary of
9 higher education shall notify the secretary of finance and
10 administration and the director of the legislative finance
11 committee of the waiver findings by November 1 of the year
12 preceding the regular legislative session in which funding
13 may be sought to cover a match waiver. Waivers must be
14 approved by the legislature before they are granted by the
15 department.

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

21 G. To receive funding, a state university applying
22 for division 1 athletic facilities shall provide data that
23 shows that the most recent six-year graduation rate for
24 first-time full-time freshmen is sixty-five percent or higher
25 or that the graduation rate for students in the most recent

1 year is higher than the average rate of the previous three
2 years.

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

11 SECTION 2. TEMPORARY PROVISION--INITIAL PRIORITIES.--

12 Subject to appropriation by the legislature, the following
13 projects shall be initial priorities for expenditures from
14 the higher education major projects fund:

15 A. up to one hundred fifty million dollars
16 (\$150,000,000) to plan, design, construct, equip and furnish
17 the new school of medicine at the university of New Mexico;

18 B. up to fifty million dollars (\$50,000,000) to
19 plan, design, construct, equip and furnish a
20 multidisciplinary building at New Mexico state university;

21 C. up to one hundred million dollars
22 (\$100,000,000) to plan, design, construct, equip and furnish
23 student life and housing projects statewide;

24 D. twenty million dollars (\$20,000,000) for the
25 university of New Mexico stadium;

1 E. ten million dollars (\$10,000,000) for eastern
2 New Mexico university student housing and student life
3 projects;

4 F. ten million dollars (\$10,000,000) for New
5 Mexico highlands university student housing and student life
6 projects; and

7 G. ten million dollars (\$10,000,000) for western
8 New Mexico university student housing and student life
9 projects.

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