

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 173

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Gay G. Kernan

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO HIGHER EDUCATION; PLACING A MORATORIUM ON  
EDUCATIONAL SITES OR BUILDINGS AT NEW MEXICO PUBLIC POST-  
SECONDARY EDUCATIONAL INSTITUTIONS.

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:

"~~[NEW MATERIAL]~~ PUBLIC POST-SECONDARY EDUCATIONAL  
INSTITUTIONS--MORATORIUM ON NEW BUILDINGS.--

A. Between January 1, 2011 and January 1, 2017,  
there shall be no new educational sites or new buildings  
constructed or opened by an institution of higher education  
specified in Article 12, Section 11 of the constitution of New  
Mexico, including a branch of the institution, unless the site  
or construction or its opening received final approval by the

.184123.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material] = delete~~

1 higher education department and was funded prior to January 1,  
2 2011 or unless the higher education department and the state  
3 board of finance certify that a particular building must be  
4 replaced because of serious health and safety concerns or built  
5 because of significant enrollment growth. In no event shall an  
6 institution of higher education build, renovate or occupy any  
7 building at a location that did not exist prior to January 1,  
8 2011 as an established location at which the institution's  
9 students were taught.

10 B. Between January 1, 2011 and January 1, 2017,  
11 there shall be no new educational sites or new buildings  
12 constructed or opened by an independent community college or  
13 technical-vocational institute for which the community college  
14 or technical-vocational institute expects to receive any state  
15 funding through the funding formula for operations, including  
16 building and equipment replacement funding, or for capital  
17 outlay funded by the legislature during or after the moratorium  
18 unless the site was established or building was begun prior to  
19 January 1, 2011 or unless the higher education department and  
20 the state board of finance certify that a particular building  
21 must be replaced because of serious health and safety concerns  
22 or built because of significant enrollment growth."