

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 173

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

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 July 1, 2011 and January 1, 2017, there
shall be no new educational buildings constructed or opened at
any location 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 construction
or opening of the building meets one or more of the following

.185014.1

underscoring material = new
[bracketed material] = delete

1 conditions:

2 (1) it was the result of a project that
3 received final approval by the higher education department and
4 was funded prior to January 1, 2011;

5 (2) it is a research or similar facility that
6 receives no state funds for construction or building renewal
7 and replacement;

8 (3) it is a dormitory, student union or other
9 student services building for which the institution does not
10 receive state funds for construction or renewal and its
11 operations are not funded through the higher education funding
12 formula, including building renewal and replacement funding;

13 (4) the institution demonstrates that the
14 facility will not require any state funding through the funding
15 formula for operations or for capital outlay funded by the
16 legislature during the moratorium; or

17 (5) the higher education department and the
18 state board of finance certify that a particular building must
19 be replaced because of serious health and safety concerns or
20 built because of significant enrollment growth.

21 B. In no event shall an institution of higher
22 education build, renovate or occupy any building at a location
23 or address that prior to January 1, 2011 was not an established
24 location or address at which the institution's students were
25 taught.

.185014.1

1 C. Between July 1, 2011 and January 1, 2017, there
2 shall be no new educational buildings constructed or opened at
3 any location by an independent community college or technical-
4 vocational institute for which the community college or
5 technical-vocational institute expects to receive any state
6 funding through the funding formula for operations, including
7 building renewal and replacement funding, or for capital outlay
8 funded by the legislature unless:

9 (1) the construction was begun prior to
10 January 1, 2011;

11 (2) it is a workforce training center for
12 customized training as provided in the Workforce Training Act;
13 or

14 (3) the higher education department and the
15 state board of finance certify that a particular building must
16 be replaced because of serious health and safety concerns or
17 built because of significant enrollment growth."