

**NOTICE OF PROPOSED RULEMAKING**

**NOTICE IS HEREBY GIVEN** that the New Mexico Higher Education Department (NMHED) will hold a public rulemaking hearing on September 27, 2017. The hearing will begin at 10:30 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed rulemaking repealing and replacing 5.3.10 NMAC - Capital Projects Approval by Commission on Higher Education.

**Repeal:** The following sections will be repealed:

5.3.10.1 NMAC, Issuing Agency; 5.3.10.2 NMAC, Scope; 5.3.10.3 NMAC, Statutory Authority; 5.3.10.4 NMAC, Duration; 5.3.10.5 NMAC, Effective Date; 5.3.10.6 NMAC, Objective; 5.3.10.7 NMAC, Definitions; 5.3.10.8 NMAC, Principles and Procedures; 5.3.10.9 NMAC, Information to be Submitted; 5.3.10.10 NMAC, For Purchases of Real Property; 5.3.10.11 NMAC, Approval Process; 5.3.10.12 NMAC, Revised Projects; 5.3.10.13 NMAC, Notice of Disposition of Real Property; 5.3.10.14 NMAC, Emergency Situations

**Replace:** The following sections will be replaced:

5.3.10.1 NMAC, Issuing Agency; 5.3.10.2 NMAC, Scope; 5.3.10.3 NMAC, Statutory Authority; 5.3.10.4 NMAC, Duration; 5.3.10.5 NMAC, Effective Date; 5.3.10.6 NMAC, Objective; 5.3.10.7 NMAC, Definitions; 5.3.10.8 NMAC, Principles and Procedures; 5.3.10.9 NMAC, Information to be Submitted; 5.3.10.10 NMAC, For Purchases of Real Property; 5.3.10.11 NMAC, Approval Process; 5.3.10.12 NMAC, Revised Projects; 5.3.10.13 NMAC, Notice of Disposition of Real Property; 5.3.10.14 NMAC, Emergency Situations

**Purpose:**

The purpose of the proposed rule change is to accommodate for Section 9-25-2 NMSA 1978 (The Higher Education Department Act) whereas by statute the Commission on Higher Education became the New Mexico Higher Education Department. Accordingly, references to the Commission on Higher Education now reference New Mexico Higher Education Department within all sections of the rule. The rule seeks to update details related to the committee.

**Summary of the proposed changes:**

Repeal and replace of all sections to accommodate changes in the State Rules Act related to NMAC structure. All references to the New Mexico Higher Education Commission will be replaced with references to the New Mexico Higher Education Department.

Section 7 Definitions: Any reference to the Facilities Committee has been replaced with reference to Capital Outlay Committee.

Section 8 Principles and Procedures: Paragraph (a) of Subsection (4): Repeal over \$500,000; Paragraph (b) of Subsection (4): Repeal over \$750,000;

Section 9 Information to be Submitted: adds the following language that was not previously present: to obtain the approval of the state board of finance, institutions will be required to submit additional documents, as listed in the board's rules and regulations.

Section 13 Notice of Disposition of Real Property: adds the following language that was not previously present: to obtain the approval of the state board of finance, institutions will be required to submit additional documents, as listed in the board's rules and regulations.

**Details for Obtaining a Copy, Public Hearing and Comments:** The proposed rules are available at NMHED. The proposed rules are also posted on the NMHED website at <http://www.hed.state.nm.us/> under the "Recent Posting" section. To request that a copy of the proposed rules be sent to you by mail or e-mail, please contact [Gerald.Hoehne@state.nm.us](mailto:Gerald.Hoehne@state.nm.us) OR 505-476-8434.

A public hearing will be held from 10:30 a.m. until 12:00 p.m. at NMHED on September 27, 2017. Any person who is or may be affected by these proposed rules may appear and testify. Interested persons may submit written comments to the department at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or [Gerald.Hoehne@state.nm.us](mailto:Gerald.Hoehne@state.nm.us). Written comments must be received no later than 5:00 p.m. on September 20, 2017. If submitting written comments by email, please indicate in the subject line the number and section of each rule for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Section 21-1-21 NMSA 1978, Sections 21-2A-1 et seq. NMSA 1978, Section 9-25-13 NMSA 1978, and Section 9-25-8 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8434 within ten (10) business days prior to the hearing.