

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or Department) will hold a public rulemaking hearing on May 28, 2026. The hearing will begin at 11:30 AM and will be held via Microsoft Teams and in person at the New Mexico Higher Education Department. The purpose of the hearing is to take public comment regarding the proposed amendment of **5.3.10 NMAC, CAPITAL PROJECTS APPROVAL BY THE NEW MEXICO HIGHER EDUCATION DEPARTMENT.**

Join via Microsoft Teams:

<https://teams.microsoft.com/meet/286563046434397?p=VwJlczkM7oE5WBKNlw>

Or call in (audio only):

+ 1 (505) 312-4308

Phone Conference ID: 608 392 528#

Purpose:

The primary purpose of the proposed amendment of 5.3.10 NMAC is to increase thresholds for the Department's approval authority for major remodel, major renovation, alteration or site improvement projects. The changes to the thresholds would align with State Board of Finance's procedures for approval of projects. The State Board of Finance updated its procedures through the 2025 amendment of 2.70.4 NMAC, POLICY ON CAPITAL EXPENDITURES BY STATE EDUCATIONAL INSTITUTIONS.

Amendments:

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

5.3.10.14 NMAC, EMERGENCY SITUATIONS

Summary of Proposed Rule:

Section 6 of 5.3.10 NMAC is amended to include "renovations" amongst the approvals included in the objective. Definitions are edited or added in Section 7 of 5.3.10 NMAC. Thresholds listed within Section 8 of 5.3.10 NMAC are increased. The department also proposes changes to the information which must be submitted on the Department's capital request forms pursuant to Section 9 of 5.3.10 NMAC. Grammatical and stylistic changes are included. Lastly, amendments are made throughout various sections of the rule to reference the defined term "department."

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rule is posted on the NMHED website and may be accessed at <https://hed.nm.gov/> under the "Data, Reports & Rules" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact HigherEd.Info@hed.nm.gov or (505)476-8411.

A public hearing will be held on May 28, 2026 from 11:30 AM until 12:30 PM via Microsoft Teams and in person at the NMHED Office located at **2044 Galisteo Street, Suite 4, Santa Fe, NM 87505**. Any person who is or may be affected by this proposed rule may participate. Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or HigherEd.Info@hed.nm.gov. **Written comments must be received no later than 4:00 p.m. on May 22, 2026.** Please note that any written or verbal comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) 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 9-25-1 et seq. NMSA 1978, Section 21-1-21 NMSA 1978, Section 21-1-26 et seq. NMSA 1978 and Sections 21-2A-1 et seq. 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) 476-8411 or email HigherEd.Info@hed.nm.gov ten (10) business days prior to the hearing.