

1 SENATE BILL 237

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Stuart Ingle

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10 AN ACT

11 RELATING TO PUBLIC PROPERTY; PROVIDING ADDITIONAL AUTHORITY TO  
12 ACQUIRE REAL PROPERTY FROM THE PROPERTY CONTROL RESERVE FUND;  
13 REQUIRING REVIEW AND APPROVAL OR PRIOR AUTHORIZATION OF CERTAIN  
14 STATE AGENCY REAL PROPERTY TRANSACTIONS BY THE CAPITOL  
15 BUILDINGS PLANNING COMMISSION; MAKING AN APPROPRIATION.

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 15-3B-20 NMSA 1978 (being Laws 1998,  
19 Chapter 58, Section 1, as amended) is amended to read:

20 "15-3B-20. PROPERTY CONTROL RESERVE FUND--CREATED--  
21 PURPOSE--REAL PROPERTY ACQUISITION.--

22 A. The "property control reserve fund" is created  
23 in the state treasury. The purpose of the fund is to provide a  
24 reserve account from which the division can purchase, construct  
25 or renovate or plan for the construction or renovation of state

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1 office buildings, in particular to alleviate the state's  
2 reliance on leased office space. The fund shall consist of  
3 appropriations, money from the sale of real property under the  
4 jurisdiction of the division, gifts, grants, donations,  
5 bequests and income from investment of the fund. Money in the  
6 fund shall not revert to the general fund at the end of any  
7 fiscal year. The division shall administer the fund subject to  
8 appropriation by the legislature. The legislature shall  
9 appropriate money in the fund to the division to purchase or  
10 acquire land and purchase, construct or renovate or plan for  
11 the construction or renovation of state office buildings in  
12 accordance with the state's four-year major capital  
13 improvements plan. Disbursements from the fund shall be made  
14 on warrants drawn by the secretary of finance and  
15 administration pursuant to vouchers signed by the director or  
16 the director's authorized representative.

17 B. In addition to the appropriation of the fund in  
18 Subsection A of this section, after a review and approval by  
19 the capitol buildings planning commission of a proposed  
20 acquisition of real property that the division determines is  
21 favorable to the state, the division may encumber and expend  
22 any unappropriated portion of the fund to make the proposed  
23 acquisition."

24 SECTION 2. Section 15-10-1 NMSA 1978 (being Laws 1997,  
25 Chapter 178, Section 5, as amended) is amended to read:

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1 "15-10-1. CAPITOL BUILDINGS PLANNING COMMISSION CREATED--  
2 REVIEW AND PRIOR AUTHORIZATION OF REAL PROPERTY DISPOSITION.--

3 A. The "capitol buildings planning commission" is  
4 created. The commission shall be composed of four members of  
5 the legislature, two from each house, appointed by the New  
6 Mexico legislative council, the secretary of general services  
7 or the secretary's designee, the state treasurer or the state  
8 treasurer's designee, the secretary of transportation or the  
9 secretary's designee, the secretary of cultural affairs or the  
10 secretary's designee, the secretary of finance and  
11 administration or the secretary's designee, the commissioner of  
12 public lands or the commissioner's designee and the chair of  
13 the supreme court building commission or the chair's designee.

14 B. The commission shall:

15 (1) study and plan for the long-range  
16 facilities needs of state government in the greater  
17 metropolitan areas of Las Cruces, Santa Fe and Albuquerque and,  
18 after developing an initial master plan for the state  
19 facilities in those areas, conduct a review of state properties  
20 throughout the state for the development of an overall master  
21 plan;

22 (2) review and if warranted give:

23 (a) approval to the acquisition of real  
24 property by the facilities management division of the general  
25 services department using unappropriated money in the property

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1 control reserve fund pursuant to Section 15-3B-20 NMSA 1978;

2 and

3 (b) prior authorization to the sale,  
4 trade, lease or other disposition of real property belonging to  
5 a state agency before a state agency submits that transaction  
6 to the state board of finance for approval pursuant to Section  
7 13-6-2.1 NMSA 1978 or to the legislature for ratification and  
8 approval pursuant to Section 13-6-3 NMSA 1978. The commission  
9 shall adopt criteria to implement its review and prior  
10 authorization duties. As used in this subparagraph, "state  
11 agency" means the state of New Mexico or any of its branches,  
12 agencies, departments, boards, instrumentalities or  
13 institutions other than state educational institutions;

14 [~~2~~] (3) review proposed lease-purchase  
15 agreements pursuant to Section 15-10-2 NMSA 1978;

16 [~~3~~] (4) work with the general services  
17 department and other state agencies in developing  
18 recommendations for addressing deferred maintenance on state  
19 facilities and disposal strategies for aging facilities no  
20 longer able to serve their mission; and

21 [~~4~~] (5) utilizing life cycle costing, work  
22 with the general services department in developing  
23 recommendations regarding whether the state should lease,  
24 lease-purchase or purchase needed additional facilities.

25 C. The legislative council service shall provide

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1 staff for the commission in coordination with the staff  
2 architect and other staff of the facilities management division  
3 of the general services department.

4 D. The commission shall meet regularly and shall  
5 report annually to the legislature on an annual update of the  
6 master plan for the long-range facilities needs of state  
7 government in the greater metropolitan areas of Las Cruces,  
8 Santa Fe and Albuquerque and throughout the state."

9 SECTION 3. EFFECTIVE DATE.--The effective date of the  
10 provisions of this act is July 1, 2018.