

1 AN ACT

2 RELATING TO STATE BUILDINGS; EXPANDING THE PLANNING AUTHORITY  
3 OF THE CAPITOL BUILDINGS PLANNING COMMISSION; CHANGING THE  
4 MEMBERSHIP OF THE COMMISSION; AUTHORIZING AN ADDITIONAL  
5 AMOUNT OF STATE OFFICE BUILDING TAX REVENUE BONDS; INCREASING  
6 THE AMOUNT OF A CERTAIN TAX DISTRIBUTION; MAKING  
7 APPROPRIATIONS FOR MASTER PLANNING AND THE PLANNING AND  
8 DESIGN OF CERTAIN STATE FACILITIES AND THE ACQUISITION OF  
9 CERTAIN PROPERTY; AUTHORIZING SEVERANCE TAX BONDS FOR  
10 COMPLETING THE STATE LABORATORY FACILITY; DECLARING AN  
11 EMERGENCY.

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

16 "15-10-1. CAPITOL BUILDINGS PLANNING COMMISSION  
17 CREATED.--

18 A. The "capitol buildings planning commission" is  
19 created to study and plan for the long-range facilities needs  
20 of state government in the greater metropolitan areas of Las  
21 Cruces, Santa Fe and Albuquerque. The commission shall  
22 review prior long-range facilities needs assessments and  
23 develop an initial master plan for the state facilities in  
24 the greater metropolitan areas of Las Cruces, Santa Fe and  
25 Albuquerque. After development of the initial master plan,

1 the commission shall conduct a review of state properties  
2 throughout the state for the development of an overall master  
3 plan.

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

14 C. The legislative council service shall provide  
15 staff for the commission in coordination with the staff  
16 architect and other staff of the property control division of  
17 the general services department.

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

23 Section 2. Section 7-1-6.42 NMSA 1978 (being Laws 2001,  
24 Chapter 199, Section 12, as amended) is amended to read:

25 "7-1-6.42. DISTRIBUTION--STATE BUILDING BONDING

1 FUND--GROSS RECEIPTS TAX.--A distribution pursuant to  
2 Section 7-1-6.1 NMSA 1978 shall be made to the state building  
3 bonding fund in the amount of five hundred thirty thousand  
4 dollars (\$530,000) from the net receipts attributable to the  
5 gross receipts tax imposed by the Gross Receipts and  
6 Compensating Tax Act. The distribution shall be made:

7 A. after the required distribution pursuant to  
8 Section 7-1-6.4 NMSA 1978;

9 B. contemporaneously with other distributions of  
10 net receipts attributable to the gross receipts tax for  
11 payment of debt service on outstanding bonds or to a fund  
12 dedicated for that purpose; and

13 C. prior to any other distribution of net receipts  
14 attributable to the gross receipts tax."

15 Section 3. Laws 2001, Chapter 166, Section 1, as  
16 amended by Laws 2004, Chapter 123, Section 6 and by Laws 2005,  
17 Chapter 320, Section 1, is amended to read:

18 "Section 1. AUTHORIZATION TO ACQUIRE PROPERTY--  
19 APPROPRIATION.--

20 A. In order to acquire the following properties  
21 for use as state agency offices in Santa Fe county, the  
22 property control division of the general services department  
23 may:

24 (1) purchase and renovate, equip and furnish  
25 the national education association building on South Capitol

1 street;

2 (2) plan, design, construct, equip and  
3 furnish a new office building with integrated parking at the  
4 west capitol complex on Cerrillos road, pursuant to the design  
5 funded by Subsection I of Section 14 of Chapter 118 of Laws  
6 1998, at a price not to exceed twenty-five million dollars  
7 (\$25,000,000);

8 (3) purchase and renovate, equip and furnish  
9 the public employees retirement association building on Paseo  
10 de Peralta; and

11 (4) purchase land within or in close  
12 proximity to the public safety campus as set out in the  
13 capitol buildings master plan developed by the capitol  
14 buildings planning commission; provided that no land shall be  
15 purchased pursuant to this paragraph that does not have, in  
16 place, water, sewer, electricity and other necessary  
17 infrastructure.

18 B. In addition to the acquisitions authorized in  
19 Subsection A of this section, the property control division of  
20 the general services department may:

21 (1) in cooperation with the New Mexico  
22 legislative council, pursuant to the capitol buildings master  
23 plan developed by the capitol buildings planning commission  
24 and after review by the commission plan, design, construct and  
25 equip a parking structure in the central capitol campus in

1 Santa Fe. Upon completion of the parking structure, the  
2 property control division shall transfer the parking structure  
3 and associated real estate to the New Mexico legislative  
4 council. After the transfer, the legislative council shall  
5 operate and maintain the parking structure;

6 (2) expend net proceeds from state office  
7 building tax revenue bonds to acquire land and plan, design,  
8 construct and equip a state laboratory facility in Bernalillo  
9 county; and

10 (3) pursuant to the capitol buildings master  
11 plan, acquire the property within the central capitol campus  
12 in Santa Fe known as the "Coughlin building".

13 C. The acquisitions of property pursuant to  
14 Subsection A of this section shall be made in the priority  
15 order listed in that subsection. Purchases authorized in  
16 Paragraphs (1), (2) and (4) of Subsection A of this section  
17 shall be made at a price not to exceed the value of the  
18 property established by the taxation and revenue department  
19 using generally accepted appraisal techniques for the type of  
20 property purchased. The purchase authorized in Paragraph (3)  
21 of Subsection A of this section shall be made at a price  
22 negotiated with the retirement board of the public employees  
23 retirement association that is not less than the fair market  
24 value of the property and building."

25 Section 4. Laws 2001, Chapter 166, Section 2, as

1 amended by Laws 2004, Chapter 123, Section 7 and by Laws 2005,  
2 Chapter 320, Section 4, is amended to read:

3 "Section 2. STATE OFFICE BUILDING TAX REVENUE BONDS--  
4 AUTHORIZATION--CONTINGENCY.--

5 A. The New Mexico finance authority may issue and  
6 sell state office building tax revenue bonds in compliance  
7 with the State Building Bonding Act when the director of the  
8 property control division of the general services department  
9 certifies to the authority that the proceeds from the state  
10 office building tax revenue bonds are needed for one or more  
11 of the purposes specified in Laws 2001, Chapter 166, Section  
12 1, as amended by Section 3 of this 2007 act; provided that the  
13 total amount of state office building tax revenue bonds  
14 outstanding at any one time shall not exceed one hundred  
15 million dollars (\$100,000,000). The authority shall schedule  
16 the issuance and sale of the bonds in the most expeditious and  
17 economical manner possible. Except as provided in Subsections  
18 B and C of this section, net proceeds from the sale of the  
19 bonds are appropriated to the property control division of the  
20 general services department for expenditure in fiscal year  
21 2001 and subsequent fiscal years for the purposes specified in  
22 Laws 2001, Chapter 166, Section 1, as amended by Section 3 of  
23 this 2007 act.

24 B. Two hundred fifty thousand dollars (\$250,000)  
25 of the proceeds from the bonds issued pursuant to Subsection A

1 of this section are appropriated to the legislative council  
2 service for expenditure in fiscal years 2004 through 2008 for  
3 the purpose of providing funding for the capitol buildings  
4 planning commission, master planning process for state  
5 facilities and for annual updates to master plans, but  
6 excluding any payments for salaries, benefits and costs of  
7 state employees. Any unexpended or unencumbered balance  
8 remaining at the end of fiscal year 2008 shall revert to the  
9 state building bonding fund.

10 C. Three hundred fifty thousand dollars (\$350,000)  
11 of the proceeds from the bonds issued pursuant to Subsection A  
12 of this section are appropriated to the legislative council  
13 service for expenditure in fiscal years 2007 through 2009 for  
14 the purpose of providing funding for the capitol buildings  
15 planning commission, master planning process for state  
16 facilities and annual updates to master plans, but excluding  
17 any payments for salaries, benefits and costs of state  
18 employees. Any unexpended or unencumbered balance remaining  
19 at the end of fiscal year 2009 shall revert to the state  
20 building bonding fund."

21 Section 5. SEVERANCE TAX BONDS--STATE LABORATORY  
22 FACILITY.--The state board of finance may issue and sell  
23 severance tax bonds in compliance with the Severance Tax  
24 Bonding Act in an amount not exceeding eleven million dollars  
25 (\$11,000,000) when the property control division of the

1 general services department certifies the need for the  
2 issuance of the bonds. The state board of finance shall  
3 schedule the issuance and sale of the bonds in the most  
4 expeditious and economical manner possible upon a finding by  
5 the board that the project has been developed sufficiently to  
6 justify the issuance and that the project can proceed to  
7 contract within a reasonable time. The state board of finance  
8 shall further take the appropriate steps necessary to comply  
9 with the Internal Revenue Code of 1986, as amended. The  
10 proceeds from the sale of the bonds are appropriated to the  
11 property control division of the general services department  
12 for the purpose of acquiring land and planning, designing,  
13 constructing and equipping the state laboratory facility in  
14 Bernalillo county. Any unexpended or unencumbered balance  
15 remaining at the end of fiscal year 2012 shall revert to the  
16 severance tax bonding fund. If the property control division  
17 of the general services department has not certified the need  
18 for the issuance of the bonds by the end of fiscal year 2009,  
19 the authorization provided in this section shall expire.

20 Section 6. APPROPRIATIONS.--

21 A. The following amounts from the following  
22 sources are appropriated to the property control division of  
23 the general services department for expenditure in fiscal  
24 years 2007 through 2009 for the acquisition of the property  
25 within the west capitol complex owned by the United States



1 general services administration and the United States forest  
2 service. Any unexpended or unencumbered balance remaining at  
3 the end of fiscal year 2009 shall revert proportionately to  
4 the originating fund:

5 (1) one million five hundred thousand  
6 dollars (\$1,500,000) from the property control reserve fund;  
7 and

8 (2) three million five hundred thousand  
9 dollars (\$3,500,000) from the public buildings repair fund.

10 B. One million dollars (\$1,000,000) is  
11 appropriated from the general fund to the property control  
12 division of the general services department for expenditure in  
13 fiscal years 2007 through 2009 for the planning and designing  
14 of a New Mexico state police crime laboratory to be located  
15 adjacent to or within close proximity to the state laboratory  
16 facility in Bernalillo county. Any unexpended or unencumbered  
17 balance remaining at the end of fiscal year 2009 shall revert  
18 to the general fund.

19 Section 7. EMERGENCY.--It is necessary for the public  
20 peace, health and safety that this act take effect  
21 immediately.

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