

1 AN ACT
2 RELATING TO STATE FACILITIES; PROVIDING ADDITIONAL DUTIES FOR
3 THE CAPITOL BUILDINGS PLANNING COMMISSION; AUTHORIZING
4 CERTAIN DESIGNEES TO SERVE ON THE COMMISSION.
5

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

9 "15-10-1. CAPITOL BUILDINGS PLANNING COMMISSION
10 CREATED.--

11 A. The "capitol buildings planning commission" is
12 created. The commission shall be composed of four members of
13 the legislature, two from each house, appointed by the New
14 Mexico legislative council, the secretary of general services
15 or the secretary's designee, the state treasurer or the state
16 treasurer's designee, the secretary of transportation or the
17 secretary's designee, the secretary of cultural affairs or
18 the secretary's designee, the secretary of finance and
19 administration or the secretary's designee, the commissioner
20 of public lands or the commissioner's designee and the chair
21 of the supreme court building commission or the chair's
22 designee.

23 B. The commission shall:

24 (1) study and plan for the long-range
25 facilities needs of state government in the greater

1 metropolitan areas of Las Cruces, Santa Fe and Albuquerque
2 and, after developing an initial master plan for the state
3 facilities in those areas, conduct a review of state
4 properties throughout the state for the development of an
5 overall master plan;

6 (2) review proposed lease-purchase
7 agreements pursuant to Section 15-10-2 NMSA 1978;

8 (3) work with the general services
9 department and other state agencies in developing
10 recommendations for addressing deferred maintenance on state
11 facilities and disposal strategies for aging facilities no
12 longer able to serve their mission; and

13 (4) utilizing life cycle costing, work with
14 the general services department in developing recommendations
15 regarding whether the state should lease, lease-purchase or
16 purchase needed additional facilities.

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

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

1 Section 2. A new Section 15-10-2 NMSA 1978 is enacted
2 to read:

3 "15-10-2. CAPITOL BUILDINGS PLANNING COMMISSION--REVIEW
4 OF LEASE-PURCHASE AGREEMENTS.--

5 A. Before submitting a proposed lease-purchase
6 agreement to the legislature for ratification and approval
7 pursuant to Section 15-3-35 NMSA 1978, the proposed lessee
8 shall notify the commission. The commission shall review a
9 proposed lease-purchase agreement if:

10 (1) the total lease revenues to be generated
11 during the term of the lease-purchase agreement, including
12 any possible extensions or renewals, exceed five million
13 dollars (\$5,000,000); or

14 (2) pursuant to criteria adopted by the
15 commission, the commission selects the lease-purchase
16 agreement for review.

17 B. A review conducted pursuant to this section
18 shall include findings by the commission as to whether:

19 (1) the leasehold property and the term of
20 the lease-purchase agreement are sufficient to meet the
21 identified needs of the state agency that will occupy the
22 leasehold property;

23 (2) the payment of all lease revenues due
24 pursuant to a lease-purchase agreement will be sufficient, at
25 the end of the term of the lease-purchase agreement, to

1 acquire ownership of the leasehold property;

2 (3) the lease-purchase agreement provides
3 that there is no legal obligation for the state or state
4 agency to continue the lease-purchase agreement from year to
5 year or to purchase the leasehold property, and that the
6 lease-purchase agreement shall be terminated if sufficient
7 appropriations are not available to meet the current lease
8 payments; and

9 (4) the lease-purchase agreement is the most
10 cost-effective alternative for acquiring the leasehold
11 property, taking into account currently available alternative
12 lease arrangements, lease-purchase agreements or other
13 financing arrangements permitted by law.

14 C. After a review pursuant to this section, the
15 commission shall submit its findings and recommendations to
16 the legislature.

17 D. As used in this section:

18 (1) "commission" means the capitol buildings
19 planning commission;

20 (2) "facilities" means buildings and the
21 appurtenances and improvements associated therewith,
22 including the real estate upon which a building is
23 constructed; suitable parking for use of the building;
24 utilities, access roads and other infrastructure; and related
25 real estate. "Facilities" can also mean undeveloped or

1 developed real estate that is transferred or leased with the
2 intent that a new building or improvement be constructed
3 thereon;

4 (3) "lease-purchase agreement" means a
5 financing agreement for the leasing of facilities by the
6 state or a state agency from a public or private entity with
7 an option to purchase the leasehold property for a price that
8 is reduced according to the payments made pursuant to the
9 financing agreement;

10 (4) "leasehold property" means facilities
11 that are subject to a lease-purchase agreement;

12 (5) "lease revenues" means the amounts
13 payable pursuant to a lease-purchase agreement; and

14 (6) "state agency" means any department,
15 branch, institution, board, officer, bureau, instrumentality,
16 commission, district or committee of government of the state
17 of New Mexico except:

18 (a) the state armory board;

19 (b) the commissioner of public lands;

20 (c) state institutions under the
21 jurisdiction of the higher education department;

22 (d) the economic development department
23 when the department is acquiring property pursuant to the
24 Statewide Economic Development Finance Act;

25 (e) the public school facilities

authority when the authority is acquiring property pursuant to the Public School Capital Outlay Act; and

(f) a state-chartered charter school."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2009._____

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