

SB 193 - FOR THE CAPITOL BUILDINGS PLANNING COMMISSION
Five-Year Facilities Master Plans

SUMMARY: SB 193 modifies the current process for proposing capital improvement projects. It requires state agencies to develop and annually update a five-year facilities master plan in the form prescribed by the property control division (PCD) of the general services department and consistent with the capitol buildings planning commission (CBPC) master plans and planning principles. The plans shall include all proposed capital projects and shall be submitted to the department of finance and administration (DFA) on July 1 of each year. The DFA and PCD are required to submit a five-year program for all state capital improvement projects by November 1 of each year. Projects would be prioritized into a capital program, which would be submitted to the governor and the legislature on November 1 of each year.

Section-by-section summary:

Section 1:

- requires the DFA and PCD to jointly prepare and annually update a five-year program for all state capital improvement projects, which is submitted to the governor and the legislature by November 1 of each year;
- changes the four-year program to a five-year program;
- adds the PCD into the preparation of the program and requires the PCD to prescribe the form and content for the proposed capital projects;
- requires that projects be prioritized and further classified as:
 1. those requesting funding for the initial planning and design phase; or
 2. those for which the planning and design phase has been completed and approved by the appropriate planning entity and are awaiting consideration by the legislature and appropriation for the full project costs; and
- agency submissions are due to the DFA by July 1 of each year.

Section 2:

- requires state agencies to develop or update five-year facilities master plans, which are due on July 1 of each year and must include all proposed capital projects as part of each plan;
- requires the PCD to prescribe the form and content of the master plans and provide technical assistance to the agencies in the development of the master plans and updates, which are to be consistent with the CBPC master plans and planning principles;
- requires the PCD to develop guidelines for the plans, including:
 1. requirements for preventive and deferred maintenance plans, including standards for the plans;
 2. a criteria-based weighted ranking system to determine priority capital projects for state facilities;
 3. space and energy efficiency standards for state facilities; and
 4. life-cycle costing models for existing and proposed state facilities;

- requires state agencies to submit the master plans; however, not included in Section 2 in the definition of "state agency" are:
- political subdivisions;
- institutions governed by boards of regents;
- independent authorities specifically exempted from laws governing state agencies;
- the public school capital outlay council;
- the public schools facility authority; and
- certain state transportation commission and department of transportation facilities.

Section 3:

- amends powers of the secretary of finance and administration to track with the changes in Sections 1 and 2 of the bill.

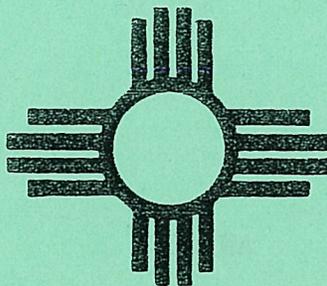
Section 4:

- amends the duties of the PCD to include:
 1. the regulation of the lease-purchase of buildings or other real property by state executive agencies except the state land office;
 2. the prescription of the guidelines for master plans; and
 3. in conjunction with the DFA, the preparation and submission of the five-year program for proposed capital improvement projects.

Section 5:

- reconciles conflicting amendments to the same section of law.

This legislation does not restructure any government agencies or divisions. It will provide incremental improvements to the facilities master planning process.



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER _____

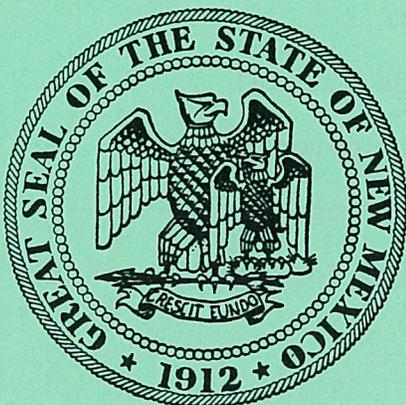
SENATE BILL 193

Introduced by

SENATOR STUART INGLE

SENATOR TIMOTHY Z. JENNINGS

POCKET VETOED



FOR THE CAPITOL BUILDINGS PLANNING COMMISSION

1 AN ACT

2 RELATING TO STATE FACILITIES; REQUIRING STATE AGENCIES TO
3 SUBMIT FIVE-YEAR FACILITIES MASTER PLANS; PROVIDING FOR PLAN
4 GUIDELINES; PROVIDING ADDITIONAL DUTIES FOR THE PROPERTY
5 CONTROL DIVISION OF THE GENERAL SERVICES DEPARTMENT;
6 RECONCILING CONFLICTING AMENDMENTS TO THE SAME SECTION OF LAW
7 IN LAWS 2001 BY REPEALING LAWS 2001, CHAPTER 293, SECTION 1.

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

10 SECTION 1. Section 6-4-1 NMSA 1978 (being Laws 1975,
11 Chapter 282, Section 3, as amended) is amended to read:

12 "6-4-1. CAPITAL PROGRAMS--PREPARATION--DUTIES.--

13 A. The department of finance and administration
14 and the property control division of the general services
15 department shall jointly prepare and annually update a
16 five-year program for all state capital improvement projects,
17 which program shall be submitted to the governor and
18 legislature by November 1 of each year. The program shall
19 prioritize projects with respect to urgency and need and
20 shall recommend a time sequence for construction. The
21 program shall further classify the projects into:

22 (1) those projects for which the initial
23 planning and design phase has been completed and approved by
24 the appropriate planning entity and that are awaiting
25 consideration by the legislature and appropriation for the

1 full project costs; and

2 (2) those projects requesting funding for
3 the initial planning and design phase for which the
4 programming, delivery method, partial schematic design and
5 construction cost estimates have not been determined or
6 completed.

7 B. Heads of departments and other agencies of the
8 state shall transmit to the department of finance and
9 administration, in the form and content prescribed by the
10 property control division of the general services department,
11 on July 1 of each year, a plan for proposed capital projects
12 for the ensuing five years for review and recommendation to
13 the governor with respect to inclusion in the state capital
14 program. A state agency required to develop a facilities
15 master plan pursuant to Section 6-4-1.1 NMSA 1978 shall
16 submit its plan for proposed capital projects as part of its
17 facilities master plan or update to that master plan."

18 SECTION 2. A new Section 6-4-1.1 NMSA 1978 is enacted
19 to read:

20 "6-4-1.1. FACILITIES MASTER PLANS--GUIDELINES.--

21 A. Each state agency shall annually develop or
22 update a five-year facilities master plan that describes all
23 capital projects proposed for the ensuing five years and
24 contains such other information as required by the property
25 control division of the general services department pursuant

1 to Subsection B of this section. The master plan shall be
2 submitted to the department of finance and administration on
3 July 1 of each year pursuant to Section 6-4-1 NMSA 1978.

4 B. The property control division shall prescribe
5 the form and content of facilities master plans for state
6 agencies to follow in the preparation of master plans,
7 consistent with the capitol buildings planning commission
8 master plans and comprehensive planning principles. The
9 property control division shall provide technical assistance
10 to state agencies in the development of their plans. The
11 guidelines shall include:

12 (1) guidelines for development of the master
13 plans;

14 (2) requirements for preventive and deferred
15 maintenance plans, including standards for facility
16 maintenance plans;

17 (3) a criteria-based weighted ranking system
18 to determine priority capital projects for state facilities;

19 (4) space and energy efficiency standards
20 for state facilities;

21 (5) life-cycle costing models for existing
22 and proposed state facilities; and

23 (6) any other requirements that may assist
24 the department of finance and administration, the property
25 control division, the governor and the legislature in

1 assessing needs and establishing priorities for including
2 state capital projects in the state capital program.

3 C. As used in this section, "state agency" means
4 any department, institution, board, bureau, commission,
5 district or committee of state government except:

6 (1) political subdivisions of the state;

7 (2) institutions governed by boards of
8 regents;

9 (3) the state transportation commission and
10 the department of transportation in regard to facilities used
11 directly for the transportation of natural resources,
12 manufactured products or passengers, including communication
13 and transportation structures and other facilities necessary
14 for the operation of those facilities; provided that the
15 state transportation commission and the department of
16 transportation are each a "state agency" as used in this
17 section in regard to facilities that are used for
18 administrative purposes by those entities and are intended to
19 provide work space for commission and department officers and
20 employees, including buildings and the appurtenances,
21 improvements, real estate, parking, utilities and access
22 roads associated with a building and undeveloped or developed
23 real estate that is intended for improvement for
24 administrative purposes;

25 (4) independent authorities specifically

3011478 13 6N 5:00

15507109

1 exempted from laws governing state agencies; and

2 (5) the public school capital outlay council
3 and the public school facilities authority."

4 SECTION 3. Section 9-6-5.1 NMSA 1978 (being Laws 1983,
5 Chapter 296, Section 7) is amended to read:

6 "9-6-5.1. PLANNING POWERS AND DUTIES OF SECRETARY OF
7 FINANCE AND ADMINISTRATION.--The secretary of finance and
8 administration, in addition to the other powers and duties
9 conferred:

10 A. shall review federal grant applications and
11 provide management assistance;

12 B. shall coordinate, in accordance with directives
13 from the governor's office of policy and planning, state
14 agency plans for economic, natural resource, energy resource
15 and human resource development;

16 C. shall provide aid to planning and development
17 districts in developing grant proposals and cooperate with
18 other local entities in developing grant proposals;

19 D. shall receive, study and review all plans for
20 capital projects proposed by state agencies pursuant to
21 Section 6-4-1 NMSA 1978 and render advice on the plans. The
22 secretary shall maintain long-range estimates and plans for
23 capital projects;

24 ~~ONE: may contract~~ for, receive and utilize any
25 grants or other financial assistance made available by the

LEGISLATION

1 United States government or by any other source, public or
2 private;

3 F. may provide planning and funding assistance to
4 units of local government, council of government
5 organizations, Indian tribal governments situated within
6 New Mexico and nonprofit entities having for their purpose
7 local, regional or community betterment. The secretary,
8 incident to any such programs, may enter into contracts and
9 agreements with such units of local government, council of
10 government organizations, Indian tribal governments,
11 nonprofit entities and the federal government and may
12 participate in or receive aid from any federal or private
13 program in relation to such a planning program or assistance;

14 G. shall confer with the state budget division of
15 the department of finance and administration in developing
16 comprehensive plans to assure coordination of planning and
17 budgeting functions;

18 H. shall coordinate the state clearinghouse review
19 process;

20 I. shall develop a status of the state report;

21 J. shall review and coordinate comment by state
22 agencies on draft environmental impact statements;

23 K. shall provide community development block grant
24 technical assistance to local governments;

25 L. shall administer, in consultation with and upon SB 193

1 advice and direction from the community development block
2 grant policy committee, the program for the state community
3 development block grant program;

4 M. shall serve as staff to the New Mexico
5 association of regional councils;

6 N. shall maintain a state planning library; and

7 O. shall provide planning assistance to county and
8 multi-county districts relative to application by such
9 districts for financial assistance and for regional plan
10 development."

11 SECTION 4. Section 15-3B-4 NMSA 1978 (being Laws 1978,
12 Chapter 166, Section 14, as amended by Laws 2001, Chapter
13 293, Section 1 and by Laws 2001, Chapter 319, Section 4) is
14 amended to read:

15 "15-3B-4. DIVISION--DUTIES--FEDERAL FUNDS.--

16 A. The division shall:

17 (1) unless otherwise specified by law,
18 assign the use or occupancy of state buildings and lands
19 under its jurisdiction to the state agency or political
20 subdivision that may make the best and highest beneficial use
21 of the property;

22 (2) regulate the use or occupancy of
23 buildings and real property under its jurisdiction and make
24 reasonable requirements for the continuation of that use or
25 occupancy;

2017/11/14 5:00
11/14/17

1 (3) regulate the lease-purchase of buildings
2 or other real property by state executive agencies except the
3 state land office;

4 (4) establish space standards for buildings
5 under its jurisdiction;

6 (5) have custody of all maps, deeds, plats,
7 plans, specifications, contracts, books and other papers
8 connected with state buildings under its jurisdiction;

9 (6) secure copies of all documents of title
10 to all real property under its jurisdiction held in the name
11 of the state or for the use of the state, and index those
12 documents so that the status of real property held by the
13 state under its jurisdiction can be readily ascertained;

14 (7) control the lease or rental of space in
15 private buildings by state executive agencies other than the
16 state land office, including inspection for code compliance
17 and life and safety issues. The director may act as lessee
18 on behalf of a state agency if the division determines it is
19 in the best interest of the state;

20 (8) make rules for the conduct of all
21 persons in and about buildings and grounds under its
22 jurisdiction necessary and proper for the safety, care and
23 preservation of the buildings and grounds and for the safety
24 and convenience of the persons while they are in and about
25 the buildings and grounds;

1 (9) have the power to sell state buildings
2 and real property under its jurisdiction in accordance with
3 Sections 13-6-2 and 13-6-3 NMSA 1978. Any such sale shall be
4 by quitclaim deed;

5 (10) have the power to purchase title
6 insurance or a title opinion in conjunction with the sale of
7 state buildings or land;

8 (11) have the power to enter into contracts
9 for the improvement, alteration and reconstruction of the
10 state buildings under its jurisdiction, including the
11 governor's residence, and for the design and construction of
12 additional buildings, to the extent funds are available;

13 (12) develop long-range programs for the
14 continuing preservation and repair of buildings and
15 improvements and for beautification of grounds and premises
16 under its jurisdiction;

17 (13) conduct continuing review and analysis
18 of requirements for additional structures and facilities to
19 house state agencies;

20 (14) ensure that on-site inspections of
21 capital projects are conducted to verify that construction
22 specifications are being met;

23 (15) receive gifts, grants and donations
24 from the ~~the~~ federal government or other sources for the public
25 buildings repair fund;

357 MAR 11 54 1:23

1980 04

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(16) prescribe guidelines for state agencies to use in preparing five-year facilities master plans pursuant to Section 6-4-1.1 NMSA 1978; and

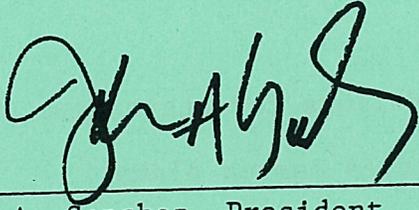
(17) in conjunction with the department of finance and administration, prepare and submit a five-year program for all state capital improvement projects pursuant to Section 6-4-1 NMSA 1978.

B. The provisions of this section are subject to federal law or rules if the buildings or property was purchased with federal funds.

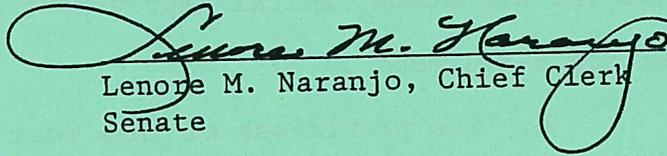
C. The division and a state agency or institution that controls property exempt from the jurisdiction of the division may enter into a joint powers agreement pursuant to the Joint Powers Agreements Act giving the division the power to exercise control of the property as specified in the agreement."

SECTION 5. REPEAL.--Laws 2001, Chapter 293, Section 1 is repealed.

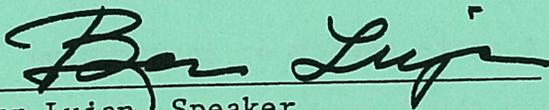
OFFICE OF THE CLERK
JAN 11 11:23 AM
SALT LAKE CITY



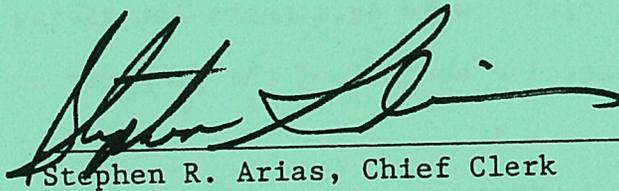
John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate



Ben Lujan, Speaker
House of Representatives



Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this _____ day of _____, 2011

Governor ~~Susana Martinez~~
State of New Mexico

2011 MAR 13 PM 1:28

8600160