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SENATE BILL 193

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Stuart Ingle

FOR THE CAPITOL BUILDINGS PLANNING COMMISSION

AN ACT

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

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

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

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

A. The department of finance and administration and
the property control division of the general services
department shall jointly prepare ~~[amend and maintain a four-~~
~~year program of major state capital improvement projects~~

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1 ~~recommended to be undertaken by the state or to be undertaken~~
2 ~~with state aid or under state regulation]~~ and annually update a
3 five-year program for all state capital improvement projects,
4 which program shall be submitted to the governor and
5 legislature by November 1 of each year. The program shall
6 ~~[classify]~~ prioritize projects with respect to urgency and need
7 ~~[for realization]~~ and ~~[it]~~ shall recommend a time sequence for
8 construction. The program shall ~~[also contain the contract~~
9 ~~price or estimated cost of each project and it shall indicate~~
10 ~~probable operating and maintenance costs and probable revenues,~~
11 ~~if any, as well as existing sources of funds or the need for~~
12 ~~additional sources of funds for the construction and operation~~
13 ~~of each project]~~ further classify the projects into:

14 (1) those projects for which the initial
15 planning and design phase has been completed and approved by
16 the appropriate planning entity and that are awaiting
17 consideration by the legislature and appropriation for the full
18 project costs; and

19 (2) those projects requesting funding for the
20 initial planning and design phase for which the programming,
21 delivery method, partial schematic design and construction cost
22 estimates have not been determined or completed.

23 B. Heads of departments and other agencies of the
24 state shall transmit to the department of finance and
25 administration, in the form and content prescribed by the

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1 property control division of the general services department,
2 on July 1 of each year, a ~~[statement of all]~~ plan for proposed
3 capital projects ~~[proposed]~~ for the ensuing ~~[four]~~ five years
4 for review and recommendation to the governor with respect to
5 inclusion in the state capital program ~~[of the state]~~. A state
6 agency required to develop a facilities master plan pursuant to
7 Section 6-4-1.1 NMSA 1978 shall submit its plan for proposed
8 capital projects as part of its facilities master plan or
9 update to that master plan."

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

12 "6-4-1.1. [NEW MATERIAL] FACILITIES MASTER PLANS--
13 GUIDELINES.--

14 A. Each state agency shall annually develop or
15 update a five-year facilities master plan that describes all
16 capital projects proposed for the ensuing five years and
17 contains such other information as required by the property
18 control division of the general services department pursuant to
19 Subsection B of this section. The master plan shall be
20 submitted to the department of finance and administration on
21 July 1 of each year pursuant to Section 6-4-1 NMSA 1978.

22 B. The property control division shall prescribe
23 the form and content of facilities master plans for state
24 agencies to follow in the preparation of master plans,
25 consistent with the capitol buildings planning commission

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1 master plans and comprehensive planning principles. The
2 property control division shall provide technical assistance to
3 state agencies in the development of their plans. The
4 guidelines shall include:

5 (1) guidelines for development of the master
6 plans;

7 (2) requirements for preventive and deferred
8 maintenance plans, including standards for facility maintenance
9 plans;

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

12 (4) space and energy efficiency standards for
13 state facilities;

14 (5) life-cycle costing models for existing and
15 proposed state facilities; and

16 (6) any other requirements that may assist the
17 department of finance and administration, the property control
18 division, the governor and the legislature in assessing needs
19 and establishing priorities for including state capital
20 projects in the state capital program.

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

24 (1) political subdivisions of the state;

25 (2) institutions governed by boards of

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1 regents;

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

17 (4) independent authorities specifically
18 exempted from laws governing state agencies; and

19 (5) the public school capital outlay council
20 and the public school facilities authority."

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

23 "9-6-5.1. PLANNING POWERS AND DUTIES OF SECRETARY OF
24 FINANCE AND ADMINISTRATION.--The secretary of [~~the department~~
25 ~~of~~] finance and administration, in addition to the other powers

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1 and duties conferred:

2 A. shall review federal grant applications and
3 provide management assistance;

4 B. shall coordinate, in accordance with directives
5 from the governor's office of policy and planning, state agency
6 plans for economic, natural resource, energy resource and human
7 resource development;

8 C. shall provide aid to planning and development
9 districts in developing grant proposals and cooperate with
10 other local entities in developing grant proposals;

11 D. shall [~~acquire~~] receive, study and review all
12 plans for capital projects proposed by state agencies pursuant
13 to Section 6-4-1 NMSA 1978 and render advice on the plans. The
14 secretary shall maintain long-range estimates and plans for
15 capital projects [~~and develop standards for measuring the need~~
16 ~~for and utility of proposed projects~~];

17 E. may contract for, receive and utilize any grants
18 or other financial assistance made available by the United
19 States government or by any other source, public or private;

20 F. may provide planning and funding assistance to
21 units of local government, council of government organizations,
22 Indian tribal governments situated within New Mexico and [~~to~~]
23 nonprofit entities having for their purpose local, regional or
24 community betterment. The secretary, incident to any such
25 programs, may enter into contracts and agreements with such

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1 units of local government, council of government organizations,
2 Indian tribal governments, nonprofit entities and the federal
3 government and may participate in or receive aid from any
4 federal or private program in relation to such a planning
5 program or assistance;

6 G. shall confer with the state budget division of
7 the department of finance and administration in developing
8 comprehensive plans to assure coordination of planning and
9 budgeting functions;

10 H. shall coordinate the state clearinghouse review
11 process;

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

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

15 K. shall provide community development block grant
16 technical assistance to local governments;

17 L. shall administer, in consultation with and upon
18 advice and direction from the community development block grant
19 policy committee, the program for the state community
20 development block grant program;

21 M. shall serve as staff to the New Mexico
22 association of regional councils;

23 N. shall maintain a state planning library; and

24 O. shall provide planning assistance to county and
25 multi-county districts relative to application by such

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1 districts for financial assistance and for regional plan
2 development."

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

7 "15-3B-4. DIVISION--DUTIES--FEDERAL FUNDS.--

8 A. The division shall:

9 (1) unless otherwise specified by law, assign
10 the use or occupancy of state buildings and lands under its
11 jurisdiction to the state agency or political subdivision that
12 may make the best and highest beneficial use of the property;

13 (2) regulate the use or occupancy of buildings
14 and real property under its jurisdiction and make reasonable
15 requirements for the continuation of that use or occupancy;

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

19 [~~3~~] (4) establish space standards for
20 buildings under its jurisdiction;

21 [~~4~~] (5) have custody of all maps, deeds,
22 plats, plans, specifications, contracts, books and other papers
23 connected with state buildings under its jurisdiction;

24 [~~5~~] (6) secure copies of all documents of
25 title to all real property under its jurisdiction held in the

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1 name of the state or for the use of the state, and index those
2 documents so that the status of real property held by the state
3 under its jurisdiction can be readily ascertained;

4 [~~(6)~~] (7) control the lease or rental of space
5 in private buildings by state executive agencies other than the
6 state land office, including inspection for code compliance and
7 life and safety issues. The director may act as lessee on
8 behalf of a state agency if the division determines it is in
9 the best interest of the state;

10 [~~(7)~~] (8) make rules for the conduct of all
11 persons in and about buildings and grounds under its
12 jurisdiction necessary and proper for the safety, care and
13 preservation of the buildings and grounds and for the safety
14 and convenience of the persons while they are in and about the
15 buildings and grounds;

16 [~~(8)~~] (9) have the power to sell state
17 buildings and real property under its jurisdiction in
18 accordance with Sections 13-6-2 and 13-6-3 NMSA 1978. Any such
19 sale shall be by quitclaim deed;

20 [~~(9)~~] (10) have the power to purchase title
21 insurance or a title opinion in conjunction with the sale of
22 state buildings or land;

23 [~~(10)~~] (11) have the power to enter into
24 contracts for the improvement, alteration and reconstruction of
25 the state buildings under its jurisdiction, including the

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1 governor's residence, and for the design and construction of
2 additional buildings, to the extent funds are available;

3 ~~[(11)]~~ (12) develop long-range programs for
4 the continuing preservation and repair of buildings and
5 improvements and for beautification of grounds and premises
6 under its jurisdiction;

7 ~~[(12)]~~ (13) conduct continuing review and
8 analysis of requirements for additional structures and
9 facilities to house state agencies;

10 ~~[(13)]~~ (14) ensure that on-site inspections of
11 capital projects are conducted to verify that construction
12 specifications are being met; ~~[and]~~

13 ~~[(14)]~~ (15) receive gifts, grants and
14 donations from the federal government or other sources for the
15 public buildings repair fund;

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

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

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

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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.