

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

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;  
AUTHORIZING SHORT-TERM SEVERANCE TAX BONDS TO BE ISSUED;  
RECONCILING CONFLICTING AMENDMENTS TO THE SAME SECTION OF LAW  
IN LAWS 2001 BY REPEALING LAWS 2001, CHAPTER 293, SECTION 1;  
MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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 and annually update a  
five-year program for all state capital improvement projects,  
which program shall be submitted to the governor and  
legislature by November 1 of each year. The program shall  
prioritize projects with respect to urgency and need and  
shall recommend a time sequence for construction. The  
program shall further classify the projects into:

(1) those projects for which the initial  
planning and design phase has been completed and approved by

1 the appropriate planning entity and that are awaiting  
2 consideration by the legislature and appropriation for the  
3 full project costs; and

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

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

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

23 "6-4-1.1. FACILITIES MASTER PLANS--GUIDELINES.--

24 A. Each state agency shall annually develop or  
25 update a five-year facilities master plan that describes all

1 capital projects proposed for the ensuing five years and  
2 contains such other information as required by the property  
3 control division of the general services department pursuant  
4 to Subsection B of this section. The facilities master plan  
5 shall be submitted to the department of finance and  
6 administration on July 1 of each year pursuant to Section  
7 6-4-1 NMSA 1978.

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

16 (1) guidelines for development of the  
17 facilities master plans;

18 (2) requirements for preventive and deferred  
19 maintenance plans, including standards for facility  
20 maintenance plans;

21 (3) a ranking system to determine priority  
22 capital projects for state facilities;

23 (4) space and energy efficiency standards  
24 for state facilities;

25 (5) life-cycle costing models for existing

1 and proposed state facilities; and

2 (6) any other requirements that may assist  
3 the department of finance and administration, the property  
4 control division, the governor and the legislature in  
5 assessing needs and establishing priorities for including  
6 state capital projects in the state capital program.

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

10 (1) political subdivisions of the state;

11 (2) institutions under the jurisdiction of  
12 the higher education department;

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

1 roads associated with a building and undeveloped or developed  
2 real estate that is intended for improvement for  
3 administrative purposes;

4 (4) independent authorities specifically  
5 exempted from laws governing state agencies;

6 (5) public schools and charter schools; and

7 (6) the public school facilities authority  
8 when the authority acquires property pursuant to the Public  
9 School Capital Outlay Act."

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

12 "9-6-5.1. PLANNING POWERS AND DUTIES OF SECRETARY OF  
13 FINANCE AND ADMINISTRATION.--The secretary of finance and  
14 administration, in addition to the other powers and duties  
15 conferred:

16 A. shall review federal grant applications and  
17 provide management assistance;

18 B. shall coordinate, in accordance with directives  
19 from the governor's office of policy and planning, state  
20 agency plans for economic, natural resource, energy resource  
21 and human resource development;

22 C. shall provide aid to planning and development  
23 districts in developing grant proposals and cooperate with  
24 other local entities in developing grant proposals;

25 D. shall receive, study and review all plans for

1 capital projects proposed by state agencies pursuant to  
2 Section 6-4-1 NMSA 1978 and render advice on the plans. The  
3 secretary shall maintain long-range estimates and plans for  
4 capital projects;

5 E. may contract for, receive and utilize any  
6 grants or other financial assistance made available by the  
7 United States government or by any other source, public or  
8 private;

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

20 G. shall confer with the state budget division of  
21 the department of finance and administration in developing  
22 comprehensive plans to assure coordination of planning and  
23 budgeting functions;

24 H. shall coordinate the state clearinghouse review  
25 process;

- 1 I. shall develop a status of the state report;
- 2 J. shall review and coordinate comment by state  
3 agencies on draft environmental impact statements;
- 4 K. shall provide community development block grant  
5 technical assistance to local governments;
- 6 L. shall administer, in consultation with and upon  
7 advice and direction from the community development block  
8 grant policy committee, the program for the state community  
9 development block grant program;
- 10 M. shall serve as staff to the New Mexico  
11 association of regional councils;
- 12 N. shall maintain a state planning library; and
- 13 O. shall provide planning assistance to county and  
14 multi-county districts relative to application by such  
15 districts for financial assistance and for regional plan  
16 development."

17 SECTION 4. Section 15-3B-4 NMSA 1978 (being Laws 1978,  
18 Chapter 166, Section 14, as amended by Laws 2001, Chapter  
19 293, Section 1 and by Laws 2001, Chapter 319, Section 4) is  
20 amended to read:

21 "15-3B-4. DIVISION--DUTIES--FEDERAL FUNDS.--

22 A. The division shall:

23 (1) unless otherwise specified by law,  
24 assign the use or occupancy of state buildings and lands  
25 under its jurisdiction to the state agency or political

1 subdivision that may make the best and highest beneficial use  
2 of the property;

3 (2) regulate the use or occupancy of  
4 buildings and real property under its jurisdiction and make  
5 reasonable requirements for the continuation of that use or  
6 occupancy;

7 (3) regulate the lease purchase of buildings  
8 or other real property by state executive agencies, except  
9 the state land office;

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

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

15 (6) secure copies of all documents of title  
16 to all real property under its jurisdiction held in the name  
17 of the state or for the use of the state, and index those  
18 documents so that the status of real property held by the  
19 state under its jurisdiction can be readily ascertained;

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



1                   (8) make rules for the conduct of all  
2 persons in and about buildings and grounds under its  
3 jurisdiction necessary and proper for the safety, care and  
4 preservation of the buildings and grounds and for the safety  
5 and convenience of the persons while they are in and about  
6 the buildings and grounds;

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

11                   (10) have the power to purchase title  
12 insurance or a title opinion in conjunction with the sale of  
13 state buildings or land;

14                   (11) have the power to enter into contracts  
15 for the improvement, alteration and reconstruction of the  
16 state buildings under its jurisdiction, including the  
17 governor's residence, and for the design and construction of  
18 additional buildings, to the extent funds are available;

19                   (12) develop long-range programs for the  
20 continuing preservation and repair of buildings and  
21 improvements and for beautification of grounds and premises  
22 under its jurisdiction;

23                   (13) conduct continuing review and analysis  
24 of requirements for additional structures and facilities to  
25 house state agencies;

1 (14) ensure that on-site inspections of  
2 capital projects are conducted to verify that construction  
3 specifications are being met;

4 (15) receive gifts, grants and donations  
5 from the federal government or other sources for the public  
6 buildings repair fund;

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

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

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

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

23 SECTION 5. SHORT-TERM SEVERANCE TAX BONDS AUTHORIZED--  
24 APPROPRIATION OF PROCEEDS.--

25 A. In addition to the bonds issued pursuant to

1 Section 7-27-14 NMSA 1978 and notwithstanding the limitations  
2 of that section, in compliance with the Severance Tax Bonding  
3 Act, in fiscal year 2012, the state board of finance may  
4 issue and sell severance tax bonds with a term that does not  
5 extend beyond the fiscal year in which they are issued in an  
6 amount not exceeding three million three hundred thousand  
7 dollars (\$3,300,000) when the director of the property  
8 control division of the general services department certifies  
9 the need for the issuance of the bonds.

10 B. Two million three hundred thousand dollars  
11 (\$2,300,000) of the proceeds from the sale of the bonds  
12 issued pursuant to Subsection A of this section is  
13 appropriated to the capital program fund to conduct a  
14 facility condition assessment of all state facilities,  
15 excluding political subdivisions of the state and independent  
16 authorities specifically exempted from laws governing state  
17 agencies, facilities under the jurisdiction of the higher  
18 education department, public school facilities and department  
19 of transportation facilities that are used for  
20 nonadministrative purposes.

21 C. One million dollars (\$1,000,000) of the  
22 proceeds from the sale of the bonds issued pursuant to  
23 Subsection A of this section is appropriated to the property  
24 control division to conduct facilities master planning with  
25 state agencies to develop and design five-year facilities

1 master plans and updates for the state capital program.

2 D. No severance tax bonds shall be issued pursuant  
3 to this section unless the balance in the severance tax  
4 bonding fund as of the date that the bonds are issued is  
5 greater than the sum of:

6 (1) the debt service on the severance tax  
7 bonds to be issued pursuant to this section;

8 (2) the debt service scheduled to be paid  
9 during the remainder of the fiscal year on all outstanding  
10 severance tax bonds and supplemental severance tax bonds; and

11 (3) the amount necessary to meet all  
12 principal and interest payments on outstanding bonds payable  
13 from the severance tax bonding fund on the next two ensuing  
14 semiannual payment dates.

15 SECTION 6. REPEAL.--Laws 2001, Chapter 293, Section 1  
16 is repealed.

17 SECTION 7. EMERGENCY.--It is necessary for the public  
18 peace, health and safety that this act take effect  
19 immediately.

---

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