

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
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SENATE BILL 430

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53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO STATE FACILITIES MANAGEMENT; ENACTING A TEMPORARY
PROVISION; AUTHORIZING THE GENERAL SERVICES DEPARTMENT TO WAIVE
ITS RULES IN ORDER TO EXTEND FACILITY LEASES FOR THE CHILDREN,
YOUTH AND FAMILIES DEPARTMENT, THE DEPARTMENT OF HEALTH AND THE
TAXATION AND REVENUE DEPARTMENT; DECLARING AN EMERGENCY.

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

SECTION 1. TEMPORARY PROVISION--AUTHORIZING THE GENERAL
SERVICES DEPARTMENT TO WAIVE ITS RULES IN ORDER TO EXTEND
FACILITY LEASES FOR THE CHILDREN, YOUTH AND FAMILIES
DEPARTMENT, THE DEPARTMENT OF HEALTH AND THE TAXATION AND
REVENUE DEPARTMENT.--

A. The legislature finds that:

(1) general services department rules:

(a) limit the term of a lease of private
property by a state agency to twenty years;

1 (b) limit the amount of leased space
2 that a state agency can increase by lease amendment; and

3 (c) typically require a request for
4 proposals process for new leases or renewal of existing leases;

5 (2) the children, youth and families
6 department, which, under four separate leases, provides
7 services for abused and neglected children in a building
8 complex at 300 San Mateo Boulevard, N.E. and 5301 Central
9 Avenue, N.E. in Albuquerque, has attempted, through the general
10 services department request for proposals process, to acquire a
11 new and expanded leased facility to provide those services, to
12 include a new child wellness center, but has been unsuccessful
13 due to infeasible proposals and budgetary limitations. The San
14 Mateo and Central complex also houses offices for the
15 department of health and the taxation and revenue department
16 under separate leases;

17 (3) at least one of the children, youth and
18 families department's leases at the San Mateo and Central
19 complex is near the end of its twenty-year lease term, but it
20 cannot renew or extend that lease due to the twenty-year
21 limitation in general services department rules, thus
22 presenting it with the likelihood of having to close or reduce
23 some of its services to abused and neglected children;

24 (4) if the current leases at the San Mateo and
25 Central complex can be extended and renewed, the current

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1 landlord will provide improvements to the facility and
2 construct a new building to house the child wellness center;
3 and

4 (5) the legislature has the authority to
5 direct the general services department to waive the application
6 of its rules.

7 B. Notwithstanding any law or rule to the contrary,
8 the general services department may:

9 (1) waive the application of Rule 1.5.21 NMAC
10 that is preventing the children, youth and families department
11 from extending its current leases for its facility at the San
12 Mateo and Central complex that serves the needs of abused and
13 neglected children and that will also allow the department of
14 health and the taxation and revenue department to extend their
15 leases at the complex;

16 (2) waive the application of its acquisition
17 or procurement rules in Rule 1.5.21 NMAC that might otherwise
18 prevent the children, youth and families department from
19 expanding the leased space at the San Mateo and Central complex
20 in order to provide increased services to its clients and to
21 create a child wellness center; and

22 (3) no later than January 1, 2018, work with
23 the children, youth and families department, the department of
24 health and the taxation and revenue department to extend the
25 leases at the San Mateo and Central complex. In the case of

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1 the children, youth and families department, the extension
2 shall be for an initial term of up to seven years with up to
3 three additional five-year options to renew the lease and shall
4 provide for an increase in leased space at the San Mateo and
5 Central complex that will enhance the service that the
6 department provides to abused and neglected children.

7 SECTION 2. EMERGENCY.--It is necessary for the public
8 peace, health and safety that this act take effect immediately.