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HOUSE BILL 432

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Joe Mohorovic

AN ACT

RELATING TO PUBLIC PROPERTY; AUTHORIZING THE PROPERTY CONTROL
DIVISION OF THE GENERAL SERVICES DEPARTMENT TO ASSIST STATE
AGENCIES OTHERWISE EXEMPT FROM THE DIVISION'S CONTROL;
AUTHORIZING THE PROPERTY CONTROL DIVISION TO ACT AS LESSEE ON
BEHALF OF STATE AGENCIES; PROVIDING ADDITIONAL DUTIES FOR THE
STAFF ARCHITECT.

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

Section 1. Section 15-3-2 NMSA 1978 (being Laws 1978,
Chapter 166, Section 14, as amended) is amended to read:

"15-3-2. DIRECTOR OF DIVISION--DUTIES--FEDERAL FUNDS.--

A. The director of the property control division
of the general services department shall:

(1) have control over all state buildings
and lands except those under the control and management of
the state highway and transportation department; the state

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1 fair commission; state institutions of higher learning; the
2 New Mexico school for the deaf; the New Mexico school for the
3 visually handicapped; the supreme court; the commissioner of
4 public lands; the state armory board, in accordance with
5 Section ~~[20-7-2]~~ 20-8-3 NMSA 1978; the ~~[building]~~ buildings
6 in which the legislature is housed, the adjacent utilities
7 plant and the surrounding grounds; ~~[the museum of New Mexico;~~
8 ~~and the state library building and adjacent grounds]~~ and the
9 office of cultural affairs. The director shall assign the
10 use or occupancy of state buildings and lands under his
11 control to the state agency or political subdivision ~~[which]~~
12 that may make the best and highest beneficial use of the
13 property;

14 (2) regulate the use or occupancy of
15 buildings and real property under his control and make
16 reasonable requirements for the continuation of that use or
17 occupancy;

18 (3) have custody of all maps, deeds, plats,
19 plans, specifications, contracts, books and other papers
20 connected with state buildings over which he exercises
21 control;

22 (4) secure copies of all documents of title
23 to all real property under his control held in the name of
24 the state or for the use of the state, and index ~~[such]~~ those
25 documents so that the status of real property held by the
state under his control can be readily ascertained;

(5) control the lease or rental of space in

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1 private buildings by state executive agencies other than the
2 state land office. The director may act as lessee on behalf
3 of a state agency if he determines it is in the best interest
4 of the state;

5 ~~[(6) preserve, repair, clean, heat and light~~
6 ~~the buildings and improvements under his control which are~~
7 ~~located within the exterior boundaries of the city of Santa~~
8 ~~Fe, either with his own staff or by contract with private~~
9 ~~firms;~~

10 ~~(7) care for and beautify the grounds and~~
11 ~~premises under his control which are located within the~~
12 ~~exterior boundaries of the city of Santa Fe, either with his~~
13 ~~own staff or by contract with private firms;~~

14 ~~(8)] (6) make rules [and regulations] for~~
15 ~~the conduct of all persons in and about such buildings and~~
16 ~~grounds necessary and proper for the safety, care and~~
17 ~~preservation of the buildings and grounds and for the safety~~
18 ~~and convenience of the persons while they are in and about~~
19 ~~the buildings and grounds;~~

20 ~~[(9)] (7) have the power to sell state~~
21 ~~buildings and real property under his control in accordance~~
22 ~~with Sections 13-6-2 and 13-6-3 NMSA 1978. Any such sale~~
23 ~~shall be by quitclaim deed;~~

24 ~~[(10)] (8) have the power to purchase title~~
25 ~~insurance or a title opinion in conjunction with the sale of~~
~~state buildings or land; and~~

~~[(11)] (9) have the power to enter into~~

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1 contracts for the improvement, alteration and reconstruction
2 of the state buildings under his control, including the
3 executive mansion, and for the design and construction of
4 additional buildings, to the extent funds are available.

5 B. The provisions of this section shall be subject
6 to federal law or regulation if the buildings or property
7 were purchased with federal funds.

8 C. When the parties determine that it is in the
9 best interest of the state, the director of the property
10 control division and the governing body of state property,
11 otherwise exempted pursuant to Subsection A of this section,
12 may enter into an agreement pursuant to the Joint Powers
13 Agreements Act for the director to exercise such control and
14 jurisdiction over the state property as is specified in the
15 agreement."

16 Section 2. Section 15-3-13 NMSA 1978 (being Laws 1978,
17 Chapter 69, Section 1, as amended) is amended to read:

18 "15-3-13. POSITION OF STAFF ARCHITECT CREATED--DUTIES
19 AND RESPONSIBILITIES.--

20 A. The position of "staff architect" is created
21 within the property control division of the general services
22 department. The staff architect shall be a legal resident of
23 and an architect registered in the state for at least two
24 years. The staff architect shall assist the director of the
25 property control division in carrying out the provisions and
requirements of the Property Control Act, ~~[It shall also be~~
~~his duty and responsibility]~~ including the duty to:

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1 (1) develop long-range programs for the
2 continuing preservation and repair of buildings and
3 improvements and for the beautification of grounds and
4 premises under the control of the director of the property
5 control division;

6 (2) conduct continuing review and analysis
7 of requirements for additional structures and facilities to
8 house state agencies;

9 (3) review plans and specifications
10 developed by architects or engineers contracted for the
11 construction of new buildings or for the remodeling or
12 renovation of existing state buildings under control of the
13 director of the property control division, ~~[insuring]~~
14 ensuring that all local, state and federal laws and building
15 codes are ~~[complied with]~~ considered, that adequate parking
16 is provided according to law and that adequate safety is
17 provided for such buildings and for all persons while they
18 are in or about the building;

19 (4) develop or contract for the development
20 of plans and specifications for state projects whose
21 expenditures do not exceed five hundred thousand dollars
22 (\$500,000) and for state projects ~~[which]~~ that consist of
23 repair, replacement or remodeling of nonstructural elements
24 of an existing structure or project;

25 (5) conduct on-site inspections of state
buildings while under construction or while being remodeled
or repaired to assure that construction specifications are

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1 being met. If the state project does not involve
2 expenditures in excess of five hundred thousand dollars
3 (\$500,000), this responsibility may be delegated to the user
4 agency. The property control division shall develop a
5 standard form ~~[which]~~ that shall be completed by the user
6 agency in the exercise of this responsibility; and

7 (6) supervise the inspection of all
8 facilities leased or rented by state agencies or by the
9 property control division as lessee on behalf of the state
10 agencies and recommend structural and facility changes
11 necessary to bring leased or rented facilities up to standard
12 pursuant to Section 60-13-44 NMSA 1978.

13 B. Any person who was employed as the staff
14 architect who subsequently leaves the position, or any firm
15 he may subsequently be employed by, is prohibited for a
16 period of two years from providing architectural services or
17 bidding on the construction, remodeling or renovation of any
18 state building if he developed or worked on the plans or
19 specifications for such construction, remodeling or
20 renovation while employed as staff architect."

21 Section 3. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2000.