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HOUSE BILL 349

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

RICHARD T. (DICK) KNOWLES

AN ACT

RELATING TO PUBLIC BUILDINGS; PROVIDING FOR REPAIR AND
RENOVATION OF PUBLIC BUILDINGS AND PURCHASES OF PHYSICAL PLANT
EQUIPMENT FOR PUBLIC BUILDINGS; CREATING THE PUBLIC BUILDINGS
REPAIR FUND; PROVIDING FOR THE ASSESSMENT OF BUILDING USE FEES
AND DEPOSITS INTO THE FUND; ABOLISHING THE LONG-TERM LEASE
GUARANTEE FUND; TRANSFERRING BALANCES; MAKING AN APPROPRIATION.

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

Section 1. NEW MATERIAL PUBLIC BUILDINGS REPAIR FUND--
CREATED-- EXPENDITURES. --

A. The "public buildings repair fund" is created in
the state treasury. The fund shall consist of appropriations,
building use fees, gifts, grants, donations and bequests. Money
in the fund shall not revert at the end of any fiscal year. The
fund shall be administered by the property control division of

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1 the general services department.

2 B. Expenditures may be made from the public
3 buildings repair fund only for necessary repair, renovation and
4 purchase of physical plant equipment for public buildings owned
5 by the state and under the control of the property control
6 division.

7 C. The property control division shall establish
8 priorities for the use of the public buildings repair fund and
9 shall submit to the legislature in each regular session a list
10 of recommended expenditures to be made from the fund in the
11 following fiscal year. Except as provided in Subsection D of
12 this section, the public buildings repair fund shall be expended
13 pursuant to appropriations by the legislature.

14 D. Upon certification from the secretary of general
15 services to the state board of finance that an emergency need
16 for repairs or purchase of equipment exists in a public building
17 to which the provisions of this section apply, the state board
18 of finance may approve such emergency expenditures from the
19 public buildings repair fund. Total expenditures pursuant to
20 this subsection shall not exceed two hundred thousand dollars
21 (\$200,000) a year. The state board of finance shall report
22 emergency expenditures to the legislative finance committee.

23 Section 2. [NEW MATERIAL] BUILDING USE FEES--TRANSFERS TO
24 FUND.--The secretary of general services shall establish a
25 schedule of building use fees for state agencies occupying space

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1 in state-owned buildings under the control of the property
2 control division of the general services department. The
3 building use fees shall equal the estimated cost for the next
4 fiscal year of planned and emergency repairs, renovations and
5 purchase of physical plant equipment; provided that total fees
6 shall not exceed ten million dollars (\$10,000,000) in any fiscal
7 year. The building use fees shall be included in the budget
8 requests of pertinent state agencies beginning with fiscal year
9 1998. At the beginning of each fiscal year, the department of
10 finance and administration shall transfer to the public
11 buildings repair fund the amounts appropriated for building use
12 fees.

13 Section 3. Section 15-3-11 NMSA 1978 (being Laws 1968,
14 Chapter 43, Section 5, as amended) is amended to read:

15 "15-3-11. BUILDING AND REMODELING--LEASING.--

16 A. The director of the property control division of
17 the general services department has the authority to do all acts
18 necessary and proper for the redesigning, major renovation and
19 remodeling of present state buildings and the erection of
20 additional state buildings when needed. The director of the
21 property control division may let contracts for these purposes
22 made according to the established state purchasing procedures
23 for contracts of the type and amount let. However, all such
24 remodeling, major renovation and construction must first be
25 approved by the state board of finance. This subsection shall

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1 not apply to any redesigning, major renovation or remodeling or
2 the erection of additional [~~buildings of the state highway~~
3 ~~department~~] state buildings exempt from the control of the
4 property control division pursuant to Section 15-3-2 NMSA 1978.

5 B. The director of the property control division,
6 subject to the approval of the state board of finance and after
7 following the bidding procedures required by the Procurement
8 Code for the purchase of tangible personal property, has the
9 authority to enter into long-term leases, for periods not to
10 exceed ten years, of vacant lands where the lessor contracts
11 with the state to construct and complete buildings, subject to
12 the approval of the staff architect, as a condition precedent to
13 the start of the rental term. Such buildings shall comply with
14 applicable standards for the physically handicapped and
15 applicable codes. No lease shall be executed under this
16 subsection until the staff architect created under the
17 provisions of Section 15-3-13 NMSA 1978 [~~shall have~~] has filed
18 with the legislative finance committee a detailed statement of
19 his evaluation and approval of the proposed building.

20 [~~C. The secretary of general services shall~~
21 ~~establish a schedule of rental fees at rates consistent with~~
22 ~~rates charged for comparable space in the area for state~~
23 ~~agencies occupying space in state owned buildings and require~~
24 ~~such fees to be included in the budgets of such agencies at such~~
25 ~~time as the money is available, but not later than the budget~~

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1 ~~for the sixty-eighth fiscal year. Such amounts shall be~~
2 ~~transferred periodically by the department of finance and~~
3 ~~administration into the "long-term lease guarantee fund" hereby~~
4 ~~created, for the purpose of effectuating the purposes of this~~
5 ~~section. The fund shall be used to guarantee leases which have~~
6 ~~been approved as provided in Subsection B of this section, but~~
7 ~~not to pay lease payments or any part thereof unless the~~
8 ~~legislature fails to appropriate any funds to the agency for~~
9 ~~space and the payment is required to prevent default or legal~~
10 ~~action. Each lease guaranteed by the fund shall be considered~~
11 ~~an encumbrance of the fund for a specified sum, in an amount~~
12 ~~equal to the balance of payments remaining on the lease, and no~~
13 ~~lease shall be entered into until such lease can be guaranteed~~
14 ~~by unencumbered balances in the fund to the extent of the~~
15 ~~payments remaining on the lease. No fees shall be established~~
16 ~~for or paid by state institutions of higher learning, hospitals~~
17 ~~and institutions for the mentally or physically handicapped, the~~
18 ~~supreme court, the land office, correctional institutions or the~~
19 ~~state highway and transportation department]"~~

20 Section 4. Section 15-3-14 NMSA 1978 (being Laws 1968,
21 Chapter 43, Section 8, as amended) is amended to read:

22 "15-3-14. LEASE OF LAND OR BUILDINGS FOR PRIVATE USE. -- The
23 director of the property control division of the general
24 services department may lease any land or building under his
25 control to private use until the land or building is needed for

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1 public use. All income from the leases shall be deposited in
2 the ~~[long term lease guarantee fund]~~ public buildings repair
3 fund. All leases shall be made in accordance with Sections
4 ~~[6-1-8 and 6-1-8.1 NMSA 1953]~~ 13-6-2.1 and 13-6-3 NMSA 1978.
5 The property control division shall establish building use fees
6 at the current fair-market value for property under its control;
7 provided that this provision does not apply to residences
8 furnished to state officials or employees for the legitimate
9 convenience of the employer and that are not taxable benefits
10 for general income tax purposes. Beginning with fiscal year
11 1997, all state departments and institutions whose property is
12 under the control of the property control division shall remit
13 building use fees collected from lessees to the property control
14 division for deposit into the public buildings repair fund.
15 Departments and institutions may charge separate utility costs
16 for property where the property is not separately metered, and
17 those costs may be deposited to the credit of the department's
18 or institution's operating budget. "

19 Section 5. TEMPORARY PROVISION--TRANSFER OF FUNDS.--On the
20 effective date of this act, all fund balances in the long-term
21 lease guarantee fund are transferred to the public buildings
22 repair fund. The state treasurer shall take the necessary
23 actions to accomplish the transfer of funds.

24 Section 6. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 1996.

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State of New Mexico House of Representatives

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

February 2, 1996

Mr. Speaker:

Your TAXATION AND REVENUE COMMITTEE, to whom has
been referred

HOUSE BILL 349

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

Jerry W. Sandel, Chairman

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

HTRC/HB 349

Page 9

1
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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Gallegos, Gonzales, Lovejoy, Ryan, Sandoval

Absent: None

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State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 6, 1996

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 349

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Max Coll, Chairman

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Abeyta, Coll, Buffett, Casey, Varela, Watchman,

Absent: None

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

Page 12

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 13, 1996

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 349

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Ben D. Altamirano, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

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Date _____

The roll call vote was 8 For 0 Against
Yes: 8
No: 0
Excused: Donisthorpe, Duran, Ingle, Kidd, Kysar
Absent: None

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