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HOUSE BILL 556

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Robert M Burpo

AN ACT

**RELATING TO THE GENERAL SERVICES DEPARTMENT; REORGANIZING
PROPERTY CONTROL STATUTES; PROVIDING FOR JOINT POWERS
AGREEMENTS WITH EXEMPT AGENCIES; ELIMINATING THE TEN-YEAR
LIMIT ON LONG-TERM LEASES; ALLOWING FOR CERTAIN NINETY-NINE
YEAR LEASES; LIMITING OPERATION, MAINTENANCE, RENOVATION AND
REPAIR COSTS TO CERTAIN LEASES; PROVIDING FOR ADMINISTRATIVE
FEES ON CAPITAL PROJECTS; PROVIDING FOR MAINTENANCE FEES TO BE
CREDITED TO CERTAIN STATE AGENCIES; PROVIDING FOR THE
OPERATING BUDGET OF THE PROPERTY CONTROL DIVISION TO BE
INCLUDED IN THE BUILDING USE FEES CHARGED TO STATE AGENCIES
AND FUNDED IN THEIR BUDGETS; AMENDING, REPEALING, ENACTING AND
RECOMPILING SECTIONS OF THE NMSA 1978; MAKING APPROPRIATIONS.**

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

Section 1. A new Section 15-3B-1 NMSA 1978 is enacted to

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1 read:

2 "15- 3B- 1. [NEW MATERIAL] SHORT TITLE. -- Chapter 15,
3 Article 3B NMSA 1978 may be cited as the "Property Control
4 Act". "

5 Section 2. Section 15- 3- 22 NMSA 1978 (being Laws 1972,
6 Chapter 74, Section 2) is recompiled as Section 15- 3B- 2 NMSA
7 1978 and is amended to read:

8 "15- 3B- 2. [~~DEFINITION~~] DEFINITIONS. -- As used in the
9 [~~Capital Program~~] Property Control Act:

10 A. "capital outlay project" means the acquisition,
11 improvement, alteration or reconstruction of assets of a long-
12 term character that are intended to continue to be held or
13 used, including [~~but not limited to~~] land, buildings,
14 machinery, furniture and equipment [~~but excluding projects or~~
15 ~~programs for the construction, improvement or maintenance of~~
16 ~~highways and bridges under the supervision of the state~~
17 ~~highway commission~~]. A "capital outlay project" includes all
18 proposed expenditures related to the entire undertaking;

19 B. "department" means the general services
20 department;

21 C. "director" means the director of the division;

22 D. "division" means the property control division
23 of the department;

24 E. "jurisdiction" means all state buildings and
25 land except those under the control and management of the

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1 state armory board, the office of cultural affairs, the state
2 fair commission, the department of game and fish, the state
3 highway and transportation department, the commissioner of
4 public lands, the state parks division of the energy, minerals
5 and natural resources department, the state institutions of
6 higher learning, the New Mexico school for the deaf, the New
7 Mexico school for the visually handicapped, the judicial
8 branch and the legislative branch; and

9 F. "secretary" means the secretary of general
10 services. "

11 Section 3. Section 15-3-1 NMSA 1978 (being Laws 1968,
12 Chapter 43, Section 1, as amended) is recompiled as Section
13 15-3B-3 NMSA 1978 and is amended to read:

14 "15-3B-3. PROPERTY CONTROL DIVISION-- CREATION--
15 DIRECTOR. --The "property control division" is created within
16 the [~~general services~~] department. The director [~~of the~~
17 ~~division~~] shall be appointed by the secretary [~~of general~~
18 ~~services~~] with the governor's consent. "

19 Section 4. Section 15-3-2 NMSA 1978 (being Laws 1978,
20 Chapter 166, Section 14, as amended) is recompiled as Section
21 15-3B-4 NMSA 1978 and is amended to read:

22 "15-3B-4. [~~DIRECTOR OF~~] DIVISION-- DUTIES-- FEDERAL
23 FUNDS. --

24 A. [~~The director of the property control division~~
25 ~~shall--~~

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1 ~~(1) have control over all state buildings and~~
2 ~~lands except those under the control and management of the~~
3 ~~state highway department; the state fair commission; state~~
4 ~~institutions of higher learning; the New Mexico school for the~~
5 ~~deaf; the New Mexico school for the visually handicapped; the~~
6 ~~supreme court; the commissioner of public lands; the state~~
7 ~~armory board, in accordance with Section 20-7-2 NMSA 1978; the~~
8 ~~building in which the legislature is housed, the adjacent~~
9 ~~utilities plant and the surrounding grounds; the museum of New~~
10 ~~Mexico; and the state library building and adjacent grounds.~~

11 ~~The director]~~ The division shall:

12 (1) assign the use or occupancy of state
13 buildings and lands under ~~[his control]~~ its jurisdiction to
14 the state agency or political subdivision ~~[which]~~ that may
15 make the best and highest beneficial use of the property;

16 (2) regulate the use or occupancy of
17 buildings and real property under ~~[his control]~~ its
18 jurisdiction and make reasonable requirements for the
19 continuation of that use or occupancy;

20 (3) establish space standards for buildings
21 under its jurisdiction;

22 ~~[(3)]~~ (4) have custody of all maps, deeds,
23 plats, plans, specifications, contracts, books and other
24 papers connected with state buildings ~~[over which he exercises~~
25 ~~control]~~ under its jurisdiction;

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1 [~~(4)~~] (5) secure copies of all documents of
2 title to all real property under [~~his control~~] its
3 jurisdiction held in the name of the state or for the use of
4 the state, and index [~~such~~] those documents so that the status
5 of real property held by the state under [~~his control~~] its
6 jurisdiction can be readily ascertained;

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

13 [~~(6)~~] ~~preserve, repair, clean, heat and light~~
14 ~~the buildings and improvements under his control which are~~
15 ~~located within the exterior boundaries of the city of Santa~~
16 ~~Fe, either with his own staff or by contract with private~~
17 ~~firms;~~

18 [~~(7)~~] ~~care for and beautify the grounds and~~
19 ~~premises under his control which are located within the~~
20 ~~exterior boundaries of the city of Santa Fe, either with his~~
21 ~~own staff or by contract with private firms;~~

22 [~~(8)~~] (7) make rules [~~and regulations~~] for the
23 conduct of all persons in and about [~~such~~] buildings and
24 grounds under its jurisdiction necessary and proper for the
25 safety, care and preservation of the buildings and grounds and

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1 for the safety and convenience of the persons while they are
2 in and about the buildings and grounds;

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

7 [~~(10)~~] (9) have the power to purchase title
8 insurance or a title opinion in conjunction with the sale of
9 state buildings or land; [~~and~~

10 [~~(11)~~] (10) have the power to enter into
11 contracts for the improvement, alteration and reconstruction
12 of the state buildings under [~~his control~~] its jurisdiction,
13 including the [~~executive mansion~~] governor's residence, and
14 for the design and construction of additional buildings, to
15 the extent funds are available;

16 (11) develop long-range programs for the
17 continuing preservation and repair of buildings and
18 improvements and for beautification of grounds and premises
19 under its jurisdiction;

20 (12) conduct continuing review and analysis
21 of requirements for additional structures and facilities to
22 house state agencies;

23 (13) ensure that on-site inspections of
24 capital projects are conducted to verify that construction
25 specifications are being met; and

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1 (14) receive gifts, grants and donations from
2 the federal government or other sources for the public
3 buildings repair fund.

4 B. The provisions of this section [~~shall be~~] are
5 subject to federal law or [~~regulation~~] rules if the buildings
6 or property [~~were~~] was purchased with federal funds.

7 C. The division and a state agency or institution
8 that controls property exempt from the jurisdiction of the
9 division may enter into a joint powers agreement pursuant to
10 the Joint Powers Agreements Act giving the division the power
11 to exercise control of the property as specified in the
12 agreement. "

13 Section 5. Section 15-3-13 NMSA 1978 (being Laws 1978,
14 Chapter 69, Section 1, as amended) is recompiled as Section
15 15-3B-5 NMSA 1978 and is amended to read:

16 "15-3B-5. POSITION OF STAFF ARCHITECT CREATED-- DUTIES
17 AND RESPONSIBILITIES. --

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

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

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

25 ~~(5) conduct on-site inspections of state~~

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1 ~~buildings while under construction or while being remodeled or~~
2 ~~repaired to assure that construction specifications are being~~
3 ~~met. If the state project does not involve expenditures in~~
4 ~~excess of five hundred thousand dollars (\$500,000), this~~
5 ~~responsibility may be delegated to the user agency. The~~
6 ~~division shall develop a standard form which shall be~~
7 ~~completed by the user agency in the exercise of this~~
8 ~~responsibility; and~~

9 ~~(6) supervise the inspection of all~~
10 ~~facilities leased or rented by state agencies and recommend~~
11 ~~structural and facility changes necessary to bring leased or~~
12 ~~rented facilities up to standard pursuant to Section 60-13-44~~
13 ~~NMSA 1978.~~

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

22 Section 6. Section 15-3-11 NMSA 1978 (being Laws 1968,
23 Chapter 43, Section 5, as amended) is recompiled as Section
24 15-3B-6 NMSA 1978 and is amended to read:

25 "15-3B-6. BUILDING AND REMODELING [LEASING].-- [A.] The

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1 ~~[director of the property control]~~ division ~~[of the general~~
2 ~~services department has the authority to]~~ may do all acts
3 necessary and proper for the redesigning, major renovation and
4 remodeling of present state buildings and the erection of
5 additional state buildings when needed. The ~~[director of the~~
6 ~~property control]~~ division may let contracts for these
7 purposes ~~[made according to the established state purchasing~~
8 ~~procedures for contracts of the type and amount let. However]~~
9 in accordance with the provisions of the Procurement Code.

10 All such remodeling, major renovation and construction must
11 first be approved by the state board of finance. This
12 ~~[subsection shall not apply to any redesigning, major~~
13 ~~renovation or remodeling or the erection of additional state~~
14 ~~buildings exempt from the control of the property control~~
15 ~~division pursuant to Section 15-3-2 NMSA 1978.~~

16 B. ~~The director of the property control division,~~
17 ~~subject to the approval of the state board of finance and~~
18 ~~after following the bidding procedures required by the~~
19 ~~Procurement Code for the purchase of tangible personal~~
20 ~~property, has the authority to enter into long-term leases,~~
21 ~~for periods not to exceed ten years, of vacant lands where the~~
22 ~~lessor contracts with the state to construct and complete~~
23 ~~buildings, subject to the approval of the staff architect, as~~
24 ~~a condition precedent to the start of the rental term. Such~~
25 ~~buildings shall comply with applicable standards for the~~

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1 ~~physically handicapped and applicable codes. No lease shall~~
2 ~~be executed under this subsection until the staff architect~~
3 ~~created under the provisions of Section 15-3-13 NMSA 1978 has~~
4 ~~filed with the legislative finance committee a detailed~~
5 ~~statement of his evaluation and approval of the proposed~~
6 ~~building] section applies only to state buildings under the~~
7 ~~division's jurisdiction. "~~

8 Section 7. Section 15-3-14 NMSA 1978 (being Laws 1968,
9 Chapter 43, Section 8, as amended) is recompiled as Section
10 15-3B-7 NMSA 1978 and is amended to read:

11 "15-3B-7. LEASE OF LAND OR BUILDINGS FOR PRIVATE USE. --

12 A. The ~~[director of the property control]~~ division
13 ~~[of the general services department]~~ may lease any land or
14 building under ~~[his control]~~ its jurisdiction to private use
15 until the land or building is needed for public use. All
16 income from the leases shall be deposited in the public
17 buildings repair fund. All leases shall be made in accordance
18 with Sections 13-6-2.1 and 13-6-3 NMSA 1978. The ~~[property~~
19 ~~control]~~ division shall establish building use fees ~~[at the~~
20 ~~current fair market value]~~ by rule for property under its
21 ~~[control]~~ jurisdiction; provided that this provision does not
22 apply to residences furnished to state officials or employees
23 for the legitimate convenience of the employer and that are
24 not taxable benefits for general income tax purposes.

25 ~~[Beginning with fiscal year 1997]~~ All state departments and

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1 institutions whose property is under the [~~control of the~~
2 ~~property control~~] jurisdiction of the division shall remit
3 building use fees collected from lessees to the [~~property~~
4 ~~control~~] division for deposit into the public buildings repair
5 fund. Departments and institutions may charge separate
6 utility costs for property where the property is not
7 separately metered, and those costs may be deposited to the
8 credit of the department's or institution's operating budget.

9 B. The division, subject to the approval of the
10 state board of finance and after following the bidding
11 procedures required by the Procurement Code for the purchase
12 of tangible personal property, may enter into long-term leases
13 of vacant lands where the lessor contracts with the state to
14 construct and complete buildings, subject to the approval of
15 the staff architect, as a condition precedent to the start of
16 the lease term. The buildings shall comply with applicable
17 state and federal laws and codes. A lease shall not be
18 executed pursuant to this subsection until the staff architect
19 has filed with the legislative finance committee a detailed
20 statement of his evaluation and approval of the proposed
21 building. "

22 Section 8. A new Section 15-3B-8 NMSA 1978 is enacted to
23 read:

24 "15-3B-8. [NEW MATERIAL] ACQUISITION OF LAND. -- The
25 division may acquire land through purchase or through gift or

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1 donation; provided, however, that acquisitions shall first be
2 approved by the state board of finance. The title of acquired
3 land shall vest in the state."

4 Section 9. A new Section 15-3B-9 NMSA 1978 is enacted to
5 read:

6 "15-3B-9. [NEW MATERIAL] LEASE OF NEW MEXICO FINANCE
7 AUTHORITY PROPERTY--MAINTENANCE AND REPAIR.--The division may
8 enter into long-term leases, not to exceed ninety-nine years,
9 on property owned by the New Mexico finance authority for
10 state use. Lease of the property owned by the New Mexico
11 finance authority may require the department to operate,
12 maintain and make renovations and repairs to the property."

13 Section 10. A new Section 15-3B-10 NMSA 1978 is enacted
14 to read:

15 "15-3B-10. [NEW MATERIAL] CAPITAL PROJECTS--
16 ADMINISTRATIVE FEES.--The cost of a capital project shall
17 include an administrative fee to cover the cost of
18 administering the capital project. The fee shall be one
19 percent of the estimated construction cost of a capital
20 project located in Santa Fe county and one and one-half
21 percent for a capital project located outside Santa Fe
22 county."

23 Section 11. Section 15-3-23.2 NMSA 1978 (being Laws 1984
24 (S.S.), Chapter 10, Section 10) is recompiled as Section
25 15-3B-11 NMSA 1978 and is amended to read:

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1 "15-3B-11. CAPITAL PROJECTS--CONTINGENCY LIMITATION.-- No
2 more than six and one-half percent of the cost of a capital
3 project shall be used for contingencies. For the purposes of
4 this section, "contingencies" means unforeseeable elements of
5 cost within the defined scope of the capital project [~~and cost~~
6 ~~engineering fees~~]. "

7 Section 12. Section 15-3-12 NMSA 1978 (being Laws 1975,
8 Chapter 200, Section 1, as amended) is recompiled as Section
9 15-3B-12 NMSA 1978 and is amended to read:

10 "15-3B-12. [~~STATE BUILDING CONTRACT~~] FEASIBILITY STUDY
11 OF ENERGY SOURCES.-- Before [~~any~~] a contract is executed for
12 the construction, major alteration or renovation of [~~any~~] a
13 state-owned building, the [~~property control~~] division [~~of the~~
14 ~~general services department shall~~] may have a feasibility
15 study made on the use of energy sources other than fossil
16 fuels for the heating and air conditioning of the proposed
17 building. A copy of the feasibility study shall remain on
18 file with the [~~property control~~] division and shall be open to
19 public inspection. "

20 Section 13. Section 15-3-19 NMSA 1978 (being Laws 1977,
21 Chapter 360, Section 1) is recompiled as Section 15-3B-13 NMSA
22 1978 and is amended to read:

23 "15-3B-13. PARKING FACILITIES REQUIRED FOR STATE
24 BUILDINGS--STANDARDS.--

25 A. [~~No~~] A state building shall not be constructed

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1 or enlarged to a major degree without providing adequate
2 parking facilities, as approved by the staff architect, for
3 the use of the public officers and employees employed in
4 [~~such~~] the building and for the use of those members of the
5 public reasonably expected to enter [~~such~~] the building on
6 public business.

7 ~~[B. Whenever any state building is constructed or~~
8 ~~enlarged to a major degree, adequate parking facilities must~~
9 ~~be provided which are sufficient to service the state~~
10 ~~personnel employed in such building and any members of the~~
11 ~~public reasonably expected to use such building on public~~
12 ~~business.~~

13 ~~C. The furnishing of a least one parking space for~~
14 ~~each three hundred square feet of usable floor space,~~
15 ~~exclusive of hallways, stairways, toilet facilities, utility~~
16 ~~rooms and similar common areas, shall be deemed to be adequate~~
17 ~~parking for the use of such state building.~~

18 ~~D.]~~ B. The provisions of this section shall not
19 apply to historic sites or state buildings in historical zones
20 as designated by local government ordinance. "

21 Section 14. Section 15-3-15 NMSA 1978 (being Laws 1968,
22 Chapter 43, Section 9, as amended) is recompiled as Section
23 15-3B-14 NMSA 1978 and is amended to read:

24 "15-3B-14. CONCESSIONS. --

25 A. The [~~director of the property control~~] division

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1 may grant concession contracts in state buildings under [~~his~~
2 ~~control~~] its jurisdiction, except concession contracts
3 authorized to be entered into by the state [~~park and~~
4 ~~recreation commission~~] parks division of the energy, minerals
5 and natural resources department pursuant to Section [~~4-9-9~~
6 ~~NMSA 1953~~] 16-2-9 NMSA 1978 or the commission for the blind
7 pursuant to Section 22-14-24 NMSA 1978, at such fees as [~~he~~
8 ~~may prescribe~~] the division prescribes.

9 B. Concessions shall be granted only under written
10 contract, the faithful performance of which shall be secured
11 by a bond prescribed by the [~~director of the property control~~]
12 division. All income from such concessions shall be deposited
13 in the [~~state capitol improvement~~] public buildings repair
14 fund. "

15 Section 15. A new Section 15-3B-15 NMSA 1978 is enacted
16 to read:

17 "15-3B-15. [NEW MATERIAL] MAINTENANCE CHARGES-- CREDITED
18 TO AGENCY OPERATING BUDGET.-- A state agency that occupies a
19 facility under the jurisdiction of the division and that acts
20 as the representative of the division pursuant to a use
21 agreement between the division and the state agency may charge
22 maintenance and utility costs to other entities that use the
23 facility. The charges shall be deposited to the credit of the
24 state agency to cover maintenance and utility expenses. "

25 Section 16. Section 15-3-23 NMSA 1978 (being Laws 1972,
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1 Chapter 74, Section 3, as amended) is recompiled as Section
2 15-3B-16 NMSA 1978 and is amended to read:

3 "15-3B-16. CAPITAL PROGRAM - FUND CREATED - - ALLOCATION AND
4 EXPENDITURE FOR CAPITAL OUTLAY. - -

5 A. The "capital program fund" is created in the
6 state treasury. To this fund shall be credited all
7 appropriations for capital outlay projects under the [~~control~~]
8 jurisdiction of the [~~property control~~] division [~~of the~~
9 ~~general services department~~].

10 B. The capital program fund shall be allocated by
11 the [~~property control~~] division for capital outlay projects
12 specified by the legislature in accordance with the provisions
13 of [~~Sections 15-3-1, 15-3-2, 15-3-7 to 15-3-16, 15-3-25 and~~
14 ~~15-3-31 NMSA 1978~~] the Property Control Act. "

15 Section 17. Section 15-3-24 NMSA 1978 (being Laws 1972,
16 Chapter 74, Section 4, as amended) is recompiled as Section
17 15-3B-17 NMSA 1978 and is amended to read:

18 "15-3B-17. CAPITOL BUILDINGS REPAIR FUND - - CREATION - -
19 EXPENDITURES. - -

20 A. The "capitol buildings repair fund" is created
21 in the state treasury. To this fund shall be transferred,
22 after payments required by [~~Section 1 of this 1997 act~~] Laws
23 1997, Chapter 178, Section 1 to the New Mexico finance
24 authority, all income, including distributions from the land
25 grant permanent fund derived from lands granted to the state

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1 by the United States congress for legislative, executive and
2 judicial public buildings. Two percent of this fund shall be
3 transferred annually to a "state capitol maintenance fund",
4 hereby created, as a special perpetual fund for the upkeep and
5 maintenance of the capitol renovation and capitol grounds.

6 B. The capitol buildings repair fund may be used
7 to repair, remodel and equip capitol buildings and adjacent
8 lands, to repair or replace building machinery and building
9 equipment located in capitol buildings and to contract for
10 options to purchase real estate, such real estate, if
11 purchased, to be put to state use; provided that no more than
12 ten thousand dollars (\$10,000) shall be expended for any
13 single option. Any money used for consideration in acquiring
14 an option to purchase real estate shall be applied against the
15 purchase price of the real estate if the option is exercised.
16 No money shall be expended from the capitol buildings repair
17 fund without authorization of the state board of finance.

18 C. In the event [~~any~~] a capital outlay project
19 exceeds authorized project cost by [~~no more than~~] five percent
20 or less, the state board of finance may authorize the
21 [~~property control~~] division [~~of the general services~~
22 ~~department~~] to supplement the authorized cost by an allocation
23 not to exceed five percent of the authorized cost from the
24 capitol buildings repair fund to the extent of the
25 unencumbered and unexpended balance of the fund. "

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1 Section 18. Section 15-3-11.1 NMSA 1978 (being Laws
2 1996, Chapter 46, Section 1) is recompiled as Section 15-3B-18
3 NMSA 1978 and is amended to read:

4 "15-3B-18. PUBLIC BUILDINGS REPAIR FUND--CREATED--
5 EXPENDITURES.--

6 A. The "public buildings repair fund" is created
7 in the state treasury. The fund shall consist of
8 appropriations, building use fees, concession fees, gifts,
9 grants, donations and bequests. Money in the fund shall not
10 revert at the end of any fiscal year. The fund shall be
11 administered by the [~~property control~~] division [~~of the~~
12 ~~general services department~~].

13 B. Expenditures may be made from the public
14 buildings repair fund only for operating expenses of the
15 division and necessary repair, renovation and purchase of
16 physical plant equipment for public buildings [~~owned by the~~
17 ~~state and under the control of the property control~~] under the
18 jurisdiction of the division.

19 C. The [~~property control~~] division shall establish
20 priorities for the use of the public buildings repair fund and
21 shall submit to the legislature in each regular session a list
22 of recommended expenditures to be made from the fund in the
23 following fiscal year. [~~Except as provided in Subsection D of~~
24 ~~this section~~] The public buildings repair fund shall be
25 expended pursuant to appropriations by the legislature.

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1 ~~[D. Upon certification from the secretary of~~
2 ~~general services to the state board of finance that an~~
3 ~~emergency need for repairs or purchase of equipment exists in~~
4 ~~a public building to which the provisions of this section~~
5 ~~apply, the state board of finance may approve such emergency~~
6 ~~expenditures from the public buildings repair fund. Total~~
7 ~~expenditures pursuant to this subsection shall not exceed two~~
8 ~~hundred thousand dollars (\$200,000) a year. The state board~~
9 ~~of finance shall report emergency expenditures to the~~
10 ~~legislative finance committee.]"~~

11 Section 19. Section 15-3-11.2 NMSA 1978 (being Laws
12 1996, Chapter 46, Section 2) is recompiled as Section 15-3B-19
13 NMSA 1978 and is amended to read:

14 "15-3B-19. BUILDING USE FEES-- TRANSFERS TO FUND. --The
15 secretary [~~of general services~~] shall establish a schedule of
16 building use fees for state agencies occupying space in state-
17 owned buildings under the [~~control~~] jurisdiction of the
18 [~~property control~~] division [~~of the general services~~
19 ~~department~~]. The building use fees shall equal the estimated
20 cost for the next fiscal year of operating expenses for the
21 division and planned and emergency repairs, renovations and
22 purchase of physical plant equipment; provided that total fees
23 shall not exceed ten million dollars (\$10,000,000) in any
24 fiscal year. The building use fees shall be included in the
25 budget requests of pertinent state agencies [~~beginning with~~

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underscored material = new
[bracketed material] = delete

1 ~~fiscal year 1998~~. At the beginning of each fiscal year, the
2 department of finance and administration shall transfer to the
3 public buildings repair fund the amounts appropriated for
4 building use fees. "

5 Section 20. Section 15-3-24.2 NMSA 1978 (being Laws
6 1998, Chapter 58, Section 1) is recompiled as Section 15-3B-20
7 NMSA 1978 and is amended to read:

8 "15-3B-20. PROPERTY CONTROL RESERVE FUND--CREATED--
9 PURPOSE.--The "property control reserve fund" is created in
10 the state treasury. The purpose of the fund is to provide a
11 reserve account from which the [~~property control~~] division [~~of~~
12 ~~the general services department~~] can purchase or construct
13 state office buildings, in particular to alleviate the state's
14 reliance on expensive leased office space in Santa Fe. The
15 fund shall consist of appropriations, money from the sale of
16 real property under the [~~control~~] jurisdiction of the
17 division, gifts, grants, donations, bequests and income from
18 investment of the fund. Money in the fund shall not revert to
19 the general fund at the end of any fiscal year. The division
20 shall administer the fund subject to appropriation by the
21 legislature. The legislature shall appropriate money in the
22 fund to the division to purchase or acquire land and construct
23 state office buildings in Santa Fe in accordance with the
24 state's four-year major capital improvements plan.

25 Disbursements from the fund shall be made on warrants drawn by

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underscored material = new
[bracketed material] = delete

1 the secretary of finance and administration pursuant to
2 vouchers signed by the director [~~of the division~~] or his
3 authorized representative. "

4 Section 21. Section 15-3-34 NMSA 1978 (being Laws 1991,
5 Chapter 39, Section 1) is amended to read:

6 "15-3-34. PUBLIC BUILDINGS--FLAG DISPLAY.--The prisoner
7 of war and missing in action flag shall be displayed on legal
8 public holidays in New Mexico at all public buildings with
9 flagpoles owned by the state in accordance with [~~regulations~~]
10 rules adopted by the [~~general services department~~] New Mexico
11 veterans' service commission. "

12 Section 22. A new section of Chapter 21, Article 1 NMSA
13 1978 is enacted to read:

14 "[NEW MATERIAL] STATE EDUCATIONAL INSTITUTIONS--ADEQUATE
15 PARKING.--The staff architect of a university, or the
16 commission on higher education in the case of state
17 educational facilities that do not employ a staff architect,
18 shall review all plans for the construction or major
19 enlargement of a state educational facility prior to the
20 execution of a contract for such work and shall certify to the
21 state board of finance that adequate parking is provided for
22 the use of staff employed in the facility, students who attend
23 classes or events in the facility and members of the public
24 reasonably expected to enter the facility. If adequate
25 parking is not provided for, no contract may be entered into. "

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