

**TITLE 2 PUBLIC FINANCE**  
**CHAPTER 70 CAPITAL EXPENDITURES**  
**PART 5 POLICY FOR USE OF CAPITOL BUILDINGS REPAIR FUND**

**2.70.5.1 ISSUING AGENCY:** State Board of Finance  
[2.70.5.1 NMAC - Rn, SBOF Policy 94-5, 10/15/08]

**2.70.5.2 SCOPE:** Property control division of the general services department and all other agencies that own or use capitol buildings.  
[2.70.5.2 NMAC - N, 10/15/08]

**2.70.5.3 STATUTORY AUTHORITY:** Section 15-3B-17, NMSA 1978, as amended, which establishes the capitol buildings repair fund and limitations on the use of money in the fund. Executive Order 2006-001, which establishes energy efficiency green building standards for state of New Mexico executive buildings.  
[12/5/94; 2.70.5.3 NMAC - Rn, SBOF Policy 94-5, Section 1 & A, 10/15/08]

**2.70.5.4 DURATION:** Permanent.  
[2.70.5.4 NMAC - N, 10/15/08]

**2.70.5.5 EFFECTIVE DATE:** December 5, 1994.  
[2.70.5.5 NMAC - Rn, SBOF Policy 94-5, 10/15/08]

**2.70.5.6 OBJECTIVE:** To establish guidelines to be used by the property control division, general services department, in reviewing and recommending expenditures from the capitol buildings repair fund for qualifying state-owned buildings; and seeking authorization from the state board of finance.  
[12/5/94; 2.70.5.6 NMAC - Rn, SBOF Policy 94-5, Section 2, 10/15/08]

**2.70.5.7 DEFINITIONS (as used in this policy):**

A. "Capitol building" is any building, located in Santa Fe, New Mexico, owned by the executive, legislative or judicial branch of state government that is not an income beneficiary from a specific grant of land from the United States congress in the state's enabling act.

B. "Capitol buildings repair fund" is a fund that may be used to repair, remodel and equip capitol buildings and adjacent lands, to repair or replace building machinery and building equipment located in capitol buildings. Fund monies cannot be utilized for acquisition of furniture.

[12/5/94; 2.70.5.7 NMAC - Rn, SBOF Policy 94-5, Section 3 & A, 10/15/08]

**2.70.5.8 POLICY:**

A. The capitol buildings repair fund will only be utilized when the property control division director, upon approval of the state board of finance, determines:

(1) that an immediate need or emergency exists or that the expenditure is consistent with an approved schedule of repairs; and

(2) that no other sources of funding are readily available; it is not the intent of this policy to fund new capital outlay projects or agency personnel costs.

B. Priority will be given to projects that achieve:

(1) correction of code violations or any other applicable codes; compliance with ADA requirements or any other applicable laws; structural repairs including repairs to roofs, supporting walls and foundations; repairs of electrical and mechanical systems; or increased energy efficiency with a payback of five years or less; or

(2) projects that are consistent with an approved schedule of repairs.

[12/5/94; 2.70.5.8 NMAC - Rn, SBOF Policy 94-5, Section 4 & A, 10/15/08]

**2.70.5.9 REPORTS:**

A. Property control division will report semi-annually to the state board of finance regarding:

(1) updated inventory of buildings including an approved check list of conditions;

(2) status report of approved projects;

(3) proposed schedules of repairs;

(4) evidence that projects in the proposed schedule of repairs complies with Executive Order 2006-001 as it may be amended from time to time, with respect to the following criteria:

(a) if the facility is greater than 15,000 square feet or uses over 50 kilowatt peak electrical demand and the project comprises upgrades or replacement of two of the three major systems (HVAC, lighting, and plumbing), evidence of a minimum rating of "LEED" silver and a minimum delivered energy performance standard of one half the U.S. energy consumption for that building type as defined by the United States department of energy; and

(b) if the facility is greater than 5,000 square feet and less than or equal to 15,000 square feet, evidence of achieving a minimum delivered energy performance standard of one half the U.S. energy consumption for that building type as defined by the United States department of energy; or

(c) for all other projects, evidence of the use of cost-effective, energy-efficient, green building practices to the maximum extent possible; and

(5) financial projections for the capitol buildings repair fund.

B. Property control division shall report monthly to the state board of finance on monthly and year-to-date revenues and expenses on an accrual basis.

[12/5/94; 2.70.5.9 NMAC - Rn, SBOF Policy 94-5, Section 5 & A, 10/15/08]

#### **2.70.5.10 PROCEDURES AND REVISED PROJECTS:**

A. All requests for capitol buildings repair funds shall be made to the director, property control division, general services department, 1100 St. Francis Drive, Santa Fe, New Mexico 87501, telephone (505) 827-2141.

B. The state board of finance director shall review and recommend action to the state board of finance. No money shall be expended from the capitol buildings repair fund without authorization of the state board of finance.

C. To ensure that projects requested from the capitol buildings repair fund approved by the state board of finance will be completed in substantially the same form as approved, any change in a project resulting in a change in the project's budget of more than 10 percent will require separate review and approval by the state board of finance. The same information will be required for such changes as is required for the original submission of the project.

D. Any additional information that can help in evaluating a proposed project can be requested by the state board of finance prior to final approval.

[12/5/94; 2.70.5.10 NMAC - Rn, SBOF Policy 94-5, Section 6 & A, 10/15/08]

#### **2.70.5.11 OTHER USES FOR CAPITOL BUILDINGS REPAIR FUND:**

A. The capitol buildings repair fund may also be used:

(1) to contract for options to purchase real estate, such real estate, if purchased, to be put to state use; provided that no more than ten thousand dollars (\$10,000) shall be expended for any single option; any money used for consideration in acquiring an option to purchase real estate shall be applied against the purchase price of the real estate if the option is exercised;

(2) in the event any capital outlay project exceeds authorized project cost by no more than five percent, the state board of finance may authorize the property control division to supplement the authorized cost by an allocation not to exceed five percent of the authorized cost from the capitol buildings repair fund to the extent of the unencumbered and unexpended balance of the fund.

B. The director of the property control division may expend funds for emergency repairs during a specified period and up to a maximum amount determined, from time to time, by the state board of finance. Such expenditures can only be used for the purposes established in Paragraph (1) of Subsection B of 2.70.5.8 NMAC and shall be reported to the state board of finance at its next regular meeting for review and approval.

[12/5/94; 2.70.5.11 NMAC - Rn, SBOF Policy 94-5, Section 7 & A, 10/15/08]

#### **HISTORY OF 2.70.5 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

Directive 72-5, Policy for Use of Capitol Buildings Repair Fund, 3-5-84.

SBOF Policy, Policy for Use of Capitol Buildings Repair Fund, 12-5-94.

History of Repealed Material: [RESERVED]