SENATE BILL 290

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Bill Tallman

AN ACT

RELATING TO CAPITAL EXPENDITURES; CREATING THE PUBLIC WORKS COMMISSION; PROVIDING POWERS AND DUTIES; REQUIRING THAT THE COMMISSION ANNUALLY HEAR PROPOSALS FOR AND REVIEW CAPITAL OUTLAY-FUNDED PROJECTS.

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

SECTION 1. [NEW MATERIAL] PUBLIC WORKS COMMISSION--CREATED--MEMBERSHIP--STAFF.--

A. The "public works commission" is created and shall consist of twelve members.

B. The speaker of the house of representatives shall appoint four members of the house to serve as members of the public works commission. The speaker shall make appointments so that the two major political parties have the same proportional representation on the commission as exists in .218891.4
the house, except insofar as is necessary to ensure that at least one member from each party is appointed.

C. The committees' committee of the senate shall appoint four members of the senate to serve as members of the public works commission, unless the senate appointments are made in the interim, in which case the president pro tempore of the senate shall make the appointments in consultation with, and with the agreement of, a majority of the members of the committees' committee. The committees' committee or the president pro tempore, as appropriate, shall make appointments so that the two major political parties have the same proportional representation on the public works commission as exists in the senate, except insofar as is necessary to ensure that at least one member from each party is appointed.

D. The members of the commission appointed pursuant to Subsections B and C of this section shall biennially appoint four public members, who have expertise in the fields of architecture or engineering, to serve as members of the public works commission; provided that no more than two shall be from the same political party.

E. The speaker of the house of representatives and the committees' committee, or the president pro tempore of the senate, as appropriate:

(1) shall select the public works commission's chair and vice chair, whose seats in those positions shall
rotate each year; and

(2) may remove a member from the commission for nonattendance.

F. The public works commission shall not take any action unless approved by a majority of the commission members appointed pursuant to Subsections B and C of this section.

G. The commission may hire or contract for appropriate staff. Staff shall assist the commission as directed by the chair. The commission may request assistance from the legislative council service and the legislative finance committee.

SECTION 2. [NEW MATERIAL] PUBLIC WORKS COMMISSION--ADDITIONAL POWERS AND DUTIES--CAPITAL PROJECT REVIEW.--

A. As used in this section:

(1) "capital project":

(a) means: 1) the acquisition, repair, alteration, demolition, renovation, construction, reconstruction, furnishing or equipping by an eligible entity of a public building or public work located wholly in New Mexico; 2) the acquisition by an eligible entity of heavy equipment; or 3) the acquisition, repair, alteration, furnishing or equipping by an eligible entity of information technology; and

(b) includes the purchase of the following, if directly related to the project: 1) planning,
design and professional services in the fields of engineering, surveying, architecture or landscape architecture; 2) rights of way or easements; 3) land or other property for the public building or public work; 4) water rights; 5) site improvements to public property; 6) long-term equipment for the public building or public work; and 7) fixtures; and

(2) "eligible entity" means a:

(a) state agency or institution;

(b) political subdivision of the state;

or

(c) federally recognized tribe or pueblo located wholly or partially in New Mexico.

B. The public works commission shall meet no less than six times per year to review proposals for capital outlay funding of capital projects and shall review the status of projects with authorization for capital outlay funding. To carry out its duties, the commission may:

(1) engage an eligible entity or state agency to which money for a capital project is or would be appropriated;

(2) hold hearings to receive from the officers and employees of eligible entities testimony on proposals for funding of capital projects;

(3) request that an eligible entity submit information on, or data supporting the funding of, a capital
project;

(4) evaluate proposals for the funding of capital projects using a set of criteria, developed by the commission, for ranking and prioritizing projects that shall include:

(a) the impact of the project on the public health and safety;

(b) the project's financial benefit to the community;

(c) the project's benefit to existing capital projects or infrastructure in the area;

(d) any potential budgetary impact once the project is completed;

(e) the scheduling and time line of the project;

(f) whether the proposed funding would be sufficient to finance the project; and

(g) the overall goals of the project and any applicable external factors; and

(5) develop, adopt and promulgate the rules necessary for the commission to implement and administer the provisions of this 2021 act, including rules related to the frequency, scope and manner for holding meetings and attendance requirements for members.

C. The public works commission shall study and
review capital projects:

(1) that will fill critical health and safety needs;
(2) that will create jobs in New Mexico;
(3) that have funding available from other state and non-state sources, including local, state and federal agencies and instrumentalities;
(4) that, if necessary, will or may be phased, and for which funding to complete at least one full, functional phase is available;
(5) for which sponsoring entities can provide for project operation and maintenance upon completion;
(6) that are included in infrastructure capital improvement plans adopted by state agencies or local governments;
(7) for which capital outlay funding is an appropriate source of funding; and
(8) that meet other criteria, as determined by the commission.

D. The public works commission shall develop policy proposals relating to capital projects, including prioritizing existing and proposed capital projects.

E. The public works commission shall submit a report of its findings, including specific recommendations and proposed legislation, to the New Mexico legislative council.
the legislative finance committee and any other appropriate interim committee no later than November 1 of each year.

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