

1 SENATE BILL 262

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO CAPITAL EXPENDITURES; PROVIDING POWERS AND DUTIES;
12 CREATING THE LEGISLATIVE PUBLIC WORKS COMMITTEE; REQUIRING THAT
13 THE COMMITTEE ANNUALLY DEVELOP LEGISLATION AUTHORIZING
14 RECOMMENDED PROJECTS FOR CAPITAL OUTLAY FUNDING; OUTLINING
15 CRITERIA FOR PROJECTS TO RECOMMEND.

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

18 SECTION 1. [NEW MATERIAL] PUBLIC WORKS COMMITTEE--
19 CREATED--MEMBERSHIP--SUBCOMMITTEES--STAFF.--

20 A. The "public works committee" is created as a
21 permanent legislative interim committee that consists of
22 eighteen members.

23 B. The speaker of the house of representatives
24 shall appoint nine members of the house to serve as members of
25 the public works committee. The speaker shall make

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1 appointments so that the two major political parties have the
2 same proportional representation on the committee as exists in
3 the house, except insofar as is necessary to ensure that at
4 least one member from each party is appointed.

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

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

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

23 (2) may remove a member from the committee for
24 nonattendance.

25 E. The public works committee shall not take any

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1 action rejected by a majority of the committee members from
2 either chamber.

3 F. The public works committee may create
4 subcommittees. The committee shall name to any subcommittee it
5 creates at least three members, including one member from the
6 house of representatives, one member from the senate and one
7 member of the minority party from either chamber. The
8 subcommittee may make expenditures only if the committee pre-
9 approves them and if that approval is reflected in the
10 committee's meeting minutes.

11 G. The legislative council service and the
12 legislative finance committee shall provide staff for the
13 public works committee.

14 SECTION 2. [NEW MATERIAL] PUBLIC WORKS COMMITTEE--
15 ADDITIONAL POWERS AND DUTIES--CAPITAL PROJECT FUNDING.--

16 A. As used in this section:

17 (1) "capital project":

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

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

9 (2) "eligible entity" means:

10 (a) a state agency or institution;

11 (b) a political subdivision of the
12 state; or

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

15 B. The public works committee shall solicit from
16 legislators and eligible entities proposals for capital outlay
17 funding of capital projects and shall impose a deadline of July
18 1 of each year for those proposals' submission. The committee
19 may:

20 (1) require those entities to submit other
21 supporting information or data; and

22 (2) hold hearings to receive testimony on
23 proposals from the officers and employees of those entities.

24 C. For each proposal for capital outlay funding of
25 a capital project it receives, the public works committee shall

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1 forward a copy of the proposal to the state agency to which
2 money for the project would be appropriated. The agency that
3 receives the proposal shall review it and, by September 1 of
4 that year, respond to the committee with its recommendation on
5 whether the project should be funded.

6 D. Each year, the public works committee shall
7 evaluate the proposals for capital outlay funding of capital
8 projects received by the committee and shall develop a ranked
9 list of projects it recommends based on a scoring methodology
10 adopted by the committee. In ranking projects, the committee
11 shall place high value on a project:

12 (1) that will fill critical health and safety
13 needs;

14 (2) that will create jobs in New Mexico;

15 (3) for which funding is available from other
16 state and non-state sources, including local, state and federal
17 agencies and instrumentalities;

18 (4) that may be phased, if necessary, and for
19 which funding to complete at least one full, functional phase
20 is available;

21 (5) whose sponsoring entity can provide for
22 its operation and maintenance;

23 (6) that is included in an infrastructure
24 capital improvement plan adopted by a state agency or local
25 government;

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1 (7) for which capital outlay funding is an
2 appropriate source of funding; and

3 (8) that meets other criteria, as determined
4 by the committee.

5 E. Before the first week of every regular
6 legislative session, the public works committee shall submit to
7 the legislature, the governor and the department of finance and
8 administration legislation that would authorize capital outlay
9 funding for capital projects and that meets the following
10 criteria:

11 (1) at least one-half of the amount estimated
12 to be available for capital outlay funding in the upcoming
13 year, according to the most current estimates available, is
14 allocated to state-owned projects; and

15 (2) no authorized project has a useful life
16 that will expire before the bonds issued to fund the project
17 mature.

18 SECTION 3. Section 6-4-1 NMSA 1978 (being Laws 1975,
19 Chapter 282, Section 3, as amended) is amended to read:

20 "6-4-1. CAPITAL PROGRAMS--PREPARATION--DUTIES.--

21 A. The department of finance and administration and
22 the general services department shall jointly prepare, amend
23 and maintain a four-year program of major state capital
24 [~~improvement~~] projects recommended to be undertaken by the
25 state or to be undertaken with state aid or under state

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1 regulation. The program shall:

2 (1) classify projects with respect to urgency
3 and need for realization; ~~[and it shall]~~

4 (2) recommend a time sequence for
5 construction; ~~[The program shall also]~~

6 (3) contain the contract price or estimated
7 cost of each project; and ~~[it shall]~~

8 (4) indicate probable operating and
9 maintenance costs and probable revenues, if any, ~~[as well as]~~
10 and existing sources of funds or the need for additional
11 sources of funds for the construction and operation of each
12 project.

13 B. By July 1 of each year, the department of
14 finance and administration shall transmit to the public works
15 committee a list of the projects recommended under the four-
16 year program of major state capital projects and associated
17 information as outlined in Subsection A of this section.

18 ~~[B.]~~ C. Heads of departments and other agencies of
19 the state shall transmit to the department of finance and
20 administration on July 1 of each year a statement of all
21 capital projects proposed for the ensuing four years for review
22 and recommendation to the governor with respect to inclusion in
23 the capital program of the state."