

1 SENATE BILL 248

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Joseph Cervantes

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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 HEAR PROPOSALS FOR AND REVIEW CAPITAL
14 OUTLAY-FUNDED PROJECTS.

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

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

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

22 B. The speaker of the house of representatives
23 shall appoint nine members of the house to serve as members of
24 the public works committee. The speaker shall make
25 appointments so that the two major political parties have the

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1 same proportional representation on the committee as exists in
2 the house, except insofar as is necessary to ensure that at
3 least one member from each party is appointed.

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

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

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

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

24 E. The public works committee shall not take any
25 action rejected by a majority of the committee members from

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1 either chamber.

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

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

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

15 A. As used in this section:

16 (1) "capital project":

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

25 (b) includes the purchase of the

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

- 8 (2) "eligible entity" means a:
- 9 (a) state agency or institution;
 - 10 (b) political subdivision of the state;
 - 11 or
 - 12 (c) federally recognized tribe or pueblo
- 13 located wholly or partially in New Mexico.

14 B. The public works committee shall review
15 proposals for capital outlay funding of capital projects and
16 shall review the status of projects with authorization for
17 capital outlay funding. To carry out its duties, the committee
18 may:

- 19 (1) engage an eligible entity or state agency
- 20 to which money for a capital project is or would be
- 21 appropriated;
- 22 (2) hold hearings to receive from the officers
- 23 and employees of eligible entities testimony on proposals for
- 24 funding of capital projects;
- 25 (3) request that an eligible entity submit

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1 information on, or data supporting the funding of, a capital
2 project; and

3 (4) evaluate proposals for funding of capital
4 projects submitted to the committee.

5 C. The public works committee shall study and
6 review capital projects:

7 (1) that will fill critical health and safety
8 needs;

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

10 (3) that have funding available from other
11 state and non-state sources, including local, state and federal
12 agencies and instrumentalities;

13 (4) that, if necessary, will or may be phased,
14 and for which funding to complete at least one full, functional
15 phase is available;

16 (5) for which sponsoring entities can provide
17 for project operation and maintenance upon completion;

18 (6) that are included in infrastructure
19 capital improvement plans adopted by state agencies or local
20 governments;

21 (7) for which capital outlay funding is an
22 appropriate source of funding; and

23 (8) that meet other criteria, as determined by
24 the committee.