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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

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; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of Chapter 2 NMSA 1978 is enacted to read:

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

A. The "public works commission" is created and consists 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

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1 appointments so that the two major political parties have the
2 same proportional representation on the commission 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 four members of the senate to serve as members of the
7 public works commission, unless the senate appointments are
8 made in the interim, in which case the president pro tempore of
9 the senate shall make the appointments in consultation with,
10 and 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 commission 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 members of the commission appointed pursuant
18 to Subsections B and C of this section shall biennially appoint
19 four public members, who have expertise in the fields of
20 architecture, engineering, commercial construction or public
21 finance, to serve as members of the public works commission;
22 provided that no more than two shall be from the same political
23 party.

24 E. The speaker of the house of representatives and
25 the committees' committee, or the president pro tempore of the

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1 senate, as appropriate:

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

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

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

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

15 SECTION 2. A new section of Chapter 2 NMSA 1978 is
16 enacted to read:

17 "[NEW MATERIAL] PUBLIC WORKS COMMISSION--ADDITIONAL POWERS
18 AND DUTIES--CAPITAL PROJECT REVIEW.--

19 A. As used in this section:

20 (1) "capital project":

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

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1 equipment; or 3) the acquisition, repair, alteration,
2 furnishing or equipping by an eligible entity of information
3 technology; and

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

12 (2) "eligible entity" means a:

13 (a) state agency or institution;

14 (b) political subdivision of the state;

15 or

16 (c) federally recognized Indian nation,
17 tribe or pueblo located wholly or partially in New Mexico.

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

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

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

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

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

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

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

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

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

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

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

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

25 (5) develop, adopt and promulgate the rules

1 necessary for the commission to implement and administer the
2 provisions of this 2023 act, including rules related to the
3 frequency, scope and manner for holding meetings and attendance
4 requirements for members.

5 C. The public works commission 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 commission.

25 D. The public works commission shall develop policy

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1 proposals relating to capital projects, including prioritizing
2 existing and proposed capital projects.

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

8 SECTION 3. APPROPRIATION.--Three hundred thirty-five
9 thousand dollars (\$335,000) is appropriated from the general
10 fund to the legislative council service for expenditure in
11 fiscal year 2024 and subsequent fiscal years by the public
12 works commission to carry out the duties of the commission and
13 hire or contract for appropriate staff. Any unexpended or
14 unencumbered balance remaining at the end of a fiscal year
15 shall not revert to the general fund.