

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL 262

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

AN ACT

RELATING TO CAPITAL EXPENDITURES; PROVIDING POWERS AND DUTIES;  
CREATING THE LEGISLATIVE PUBLIC WORKS COMMITTEE; REQUIRING THAT  
THE COMMITTEE 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 COMMITTEE--  
CREATED--MEMBERSHIP--SUBCOMMITTEES--STAFF.--

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

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

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underscored material = new  
~~[bracketed material] = delete~~

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

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:

9 (a) a state agency or institution;

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

12 (c) a federally recognized tribe or  
13 pueblo 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

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.