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## FISCAL IMPACT REPORT

**SPONSOR** Ely **ORIGINAL DATE** 1/20/17  
**LAST UPDATED** 2/15/17 **HB** 141/ec

**SHORT TITLE** Publication of Capital Outlay Funding **SB** \_\_\_\_\_

**ANALYST** Kehoe

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with Senate Bill 25, as amended, and relates to House Bill 121

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Bill

House Bill 141 would require, notwithstanding the provisions of Section 2-3-13 NMSA 1978, that the Legislative Council Service (LCS) beginning with the 2017 Session publish on the New Mexico Legislative website a list of approved capital projects within three days after the governor acts on the bill. The published listing shall include the name of the legislator(s), or if the governor, who allocated all or a portion of the capital outlay appropriation or bond authorization for each project and the amount of the allocation designated by each legislator and the governor. The bill would also require that the list designate those projects that were vetoed by the governor. The LCS would also be required to provide paper copies of the web-based publication if requested. The bill contains an emergency clause.

### SIGNIFICANT ISSUES

Article 3, Section 2-3-13 currently reads as follows: “Neither the director nor any employee of the council service shall reveal to any person outside of the service the contents or nature of any request or statement for service, except with the consent of the person making such request or statement. They shall not urge or oppose any legislation, nor give to any member of the legislature advice concerning the economic or social effect of any bill or proposed bill except upon the request of such member.”

Currently, the Legislative Council Service throughout the session, posts all “introduced” capital outlay requests, including the names of the sponsors. Following the signature of a capital outlay bill, the Legislative Council Service posts the final capital bill, the fiscal impact report, spreadsheets with the short title of projects, the amount appropriated, and listings by “county” and by “state agency.” However, the various listings related to the final bill do not list the sponsor or the amount(s) allocated by the legislator(s) or the governor.

The LCS may not disclose the individual sponsor(s) or amount(s) supported by each legislator or the governor in the final bill without permission granted by the sponsor(s).

### **CONFLICT, RELATIONSHIP**

Senate Bill 25, as amended by the Senate Rules Committee, the bill requires the Legislative Council Service to publish on the New Mexico Legislative website a searchable list of capital projects within a signed bill, including the name of the legislator, or if the governor, and the amount allocated for each capital project and a designation of vetoed projects no later than 30 days following adjournment of a legislative session.

House Bill 121 requires the Legislative Council Service to publish on the New Mexico Legislative website a searchable list of capital projects within a signed bill, including the name of the legislator, or if the governor, the amount allocated for each capital project including a designation of vetoed projects within 24 hours after the governor acts on the bill.

### **OTHER SUBSTANTIVE ISSUES**

Recognizing the shortfalls of the current capital outlay process, representatives of the Association of Counties, the New Mexico Municipal League, and staff of the executive and legislative branches joined efforts to review and develop “administrative” changes aimed at improving the process while at the same time respecting the appropriating authority of the Legislature.

LMK/jle/al/jle