

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR Small ORIGINAL DATE 2/4/2018  
LAST UPDATED \_\_\_\_\_ HM 62

SHORT TITLE AG Opinion on Public Money for Private Road SB \_\_\_\_\_

ANALYST Torres

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of the Attorney General (NMAG)

### SUMMARY

#### Synopsis of Bill

Pursuant to NMSA 1978, Section 8-5-2 (D) provides: The Attorney General shall “give his opinion in writing upon any question of law submitted to him by the legislature or any branch thereof, any state official, elective or appointive, or any district attorney on any subject pending before them or under their control with which they have to deal officially or with reference to their duty in office”. House Memorial 62 requests the Attorney General to issue an Opinion on whether, and in which circumstance, public money may be used to rehabilitate or maintain a private road for public welfare.

### PERFORMANCE IMPLICATIONS

The NMAG will need to assign an attorney and analyze this legal issue for publication which will require diversion from other performance expectations.

### ADMINISTRATIVE IMPLICATIONS

The NMAG will need to assign an attorney and analyze this legal issue for publication which will require diversion from other performance expectations.

### ALTERNATIVES

Pursuant to Section 8-5-2(D), Representative Small may submit a letter directly to the Office of

the Attorney General requesting an Attorney General opinion on the same subject matter.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

IT/al