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FISCAL IMPACT REPORT

SPONSOR Boitano **ORIGINAL DATE** 1/29/09
LAST UPDATED _____ **HB** _____

SHORT TITLE Prohibit Former Legislators as Lobbyists **SB** 94

ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to, HB 151, HB 252, SB 49, SB 116, SB 139, SB 140, SB 163, SB 262 & SB 269
Conflicts with HB 99

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Attorney General's Office (AGO)
Secretary of State (SOS)
State Auditor (SA)

SUMMARY

Synopsis of Bill

Senate Bill 94 prohibits former legislators from accepting compensation as a lobbyist for a period of one year after the member resigns from office, is removed from office or serves the member's term in office. It also prohibits lobbyists' employers from compensating former legislators that fall under that time prohibition.

The provisions of this act shall apply to members of the legislature who resign from office, are removed from office or serve their terms in office on or after July 1, 2009.

FISCAL IMPLICATIONS

The Lobbyist Regulation Act is administered and enforced by the SOS who may refer matters to the AGO or a district attorney. These agencies might see an increase of work load.

There will also be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

Many states and local governments impose similar moratoriums on lobbying by former legislators.

In fact, Section 10-16-8 of the Governmental Conduct Act currently places a similar moratorium on state public officials [excluding legislators] and employees; they are prohibited from representing anyone for pay “before the government agency” at which they formerly worked.

This bill simply extends the above statutory provision to legislators.

The AGO provided the following:

Section 10-16-3 of the Governmental Conduct Act requires legislators to treat their “government position as a public trust” and to “use the powers and resources of public office only to advance the public interest and not to obtain personal benefits.”

In contrast, lobbying by former legislators can potentially create an appearance of impropriety by creating the impression that a legislator is personally profiting by virtue of their status of formerly being a legislator.

Failure to pass this bill will reinforce this appearance of impropriety in the public’s mind, thereby undermining public trust in government.

ADMINISTRATIVE IMPLICATIONS

The SOS and the AGO will be responsible for enforcing the provisions in this bill.

The affected agencies should be able to handle the enforcement of the provisions in this bill as part of ongoing responsibilities.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 94 is similar to SB 163, which applies to members of the legislature who resign from office, are removed from office or serve their terms in office on or after December 31, 2010.

SB 94 conflicts with HB 99 which places a three year moratorium on lobbying by former legislators. The provisions of this act apply to former legislators whose terms of office end on or after December 31, 2010.

SB 94 also relates to:

HB 151, State Ethics Commission Act

HB 252, Political Contributions To Candidates

SB 49, Governmental Conduct Act For Public Officers

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SB 116, Limit Contributions to Candidates & PACs

SB 139, State Ethics Commission Act

SB 140, State Ethics Commission Act

SB 262, Political Contributions To Candidates

SB 269, State Bipartisan Ethics Commission Act

DW/mc