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## FISCAL IMPACT REPORT

**SPONSOR** Griego, E. **ORIGINAL DATE** 01/29/09 **LAST UPDATED** 03/08/09 **HB** \_\_\_\_\_  
**SHORT TITLE** Prohibit Former Legislators as Lobbyists **SB** 163/aSFI#1/aSFI#2  
**ANALYST** Wilson

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

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

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to, HB 151, HB 252, SB 49, SB 94, SB 116, SB 139, SB 140, 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 SFI Amendment #2

The Senate Floor amendment #2 to SB 163 adds that the provisions of this bill also applies to current legislators and states that a current member of the legislature shall not act as a lobbyist during the legislator's term of office.

#### Synopsis of SFI Amendment #1

The Senate Floor amendment #1 to SB 163 adds that a former member of the legislature shall not accept compensation as a lobbyist for a period of one calendar year after the date of the legislator's resignation.

### Synopsis of Original Bill

Senate Bill 163 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 December 31, 2010.

### **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.

### **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 163 is similar to SB 94, which applies 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.

SB 163 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 163 also relates to:

HB 151, State Ethics Commission Act  
HB 252, Political Contributions To Candidates  
SB 49, Governmental Conduct Act For Public Officers  
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