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## FISCAL IMPACT REPORT

**ORIGINAL DATE** 2/20/09

**SPONSOR** Lopez **LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_

**SHORT TITLE** Expand Definition Of Lobbyist **SB** 606

**ANALYST** Wilson

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY09	FY10	FY11		
	Unknown See Below	Unknown See Below	Recurring	General Fund

(Parenthesis ( ) Indicate Revenue Decreases)

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

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		Unknown See Below	Unknown See Below		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB 99, HB 151, HB 244, HB 252, HB 253, HB 272, HB 495, HB 535, HB 553, HB 614, HB 686, HB 808, SB 49, SB 94, SB 116, SB 128, SB 139, SB 140, SB 163, SB 258, SB 262, SB 263, SB 269, SB 296, SB 346, SB 451, SB 521, SB 535, SB 555, SB 557 & SB 611

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)

State Auditor (SA)

### SUMMARY

Synopsis of Bill

Senate Bill 606 expands the definition of lobbyist to include individuals who attempt to influence decisions related to any matter to be considered or being considered by the executive branch.

### FISCAL IMPLICATIONS

The SOS states that the fiscal impact is undeterminable as there is no way to verify how many more lobbyist registrations they will receive.

Each additional registration will be required to pay the \$25 registration fee.

### **SIGNIFICANT ISSUES**

The current definition of “lobbying” in the Lobbyist Regulation Act (LRA) means attempting to influence a decision related to:

- any matter to be considered or being considered by the legislative branch of state government or any legislative committee;
- any legislative matter requiring action by the governor or awaiting action by the governor; and
- the action or non action of state official or state agency, board or commission acting in a rulemaking proceeding.

The SA provided the following:

By extending the definition of “lobbying” to include the attempt to influence “a decision related to any matter to be considered or being considered by the executive branch of state government”, the bill proposes a policy that is impracticable.

In executing the laws established by the legislature, executive branch agencies make hundreds of decisions each day that pertain to a large range of matters, including budget matters, personnel issues, and regulatory matters. For example, an acequia association representative who may attempt to influence a regulatory decision of the State Engineer in a specific situation --not one of general applicability-- will be required to register as a lobbyist and pay a registration fee. Also, a lawyer who represents a state employee before the State Personnel Board will be required to register as a lobbyist and pay a registration fee.

The proposed broad extension of the LRA to these activities appears unfeasible because it will require a great number of New Mexicans who interact with government on a daily basis to register as lobbyists.

### **ADMINISTRATIVE IMPLICATIONS**

The SOS cannot estimate how much additional resources will be required to handle the provisions of this bill.

### **RELATIONSHIP**

SB 606 relates to the following ethics bills:

- HB 99, Prohibit Former Legislators as Lobbyists
- HB 151, State Ethics Commission Act
- HB 244, Prohibit Contractor Contribution Solicitation
- HB 252, Political Contributions to Candidates
- HB 253, Quarterly Filing of Certain Campaign Reports

HB 272, Quarterly Campaign Report Filing  
HB 495, Political Candidate & Committee Donations  
HB 535, Lobbyist Identification Badges  
HB 553, Disclosure of Lobbyist Expenses  
HB 614, State Ethics Commission Act  
HB 686, AG Prosecution of State Officer Crimes  
HB 808, Tax-Exempt Election Contributions & Reporting  
SB 49, Governmental Conduct Act For Public Officers  
SB 94, Prohibit Former Legislators as Lobbyists  
SB 116, Limit Contributions to Candidates & PACs  
SB 128, Require Biannual Campaign Reports  
SB 139, State Ethics Commission Act  
SB 140, State Ethics Commission Act  
SB 163, Prohibit Former Legislators as Lobbyists  
SB 258, Contribution from State Contractors  
SB 262, Political Contributions to Candidates  
SB 263, Contractor Disclosure of Contributions  
SB 269, State Bipartisan Ethics Commission Act  
SB 296, State Contractor Contribution Disclosure  
SB 346, Political Contributions to Candidates  
SB 451, Contributions to PERA Board Candidates  
SB 521, Campaign Contributions in Certain Elections  
SB 535, Election Definition of Political Committee  
SB 555, Public Employee & Officer Conduct  
SB 557, State Ethics Commissions Act  
SB 606, Expand Definition of Lobbyist  
SB 611, Investment Contractor Contributions

DW/mc