

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 FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 01/29/12

SPONSOR Feldman LAST UPDATED _____ HB _____

SHORT TITLE No Legislator Lobbying for One Year SB 103

ANALYST Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY12	FY13		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 103 amends the definition of lobbying under the Lobbyist Regulation Act (Act) to include attempting to influence the adoption, issuance, rescission, modification or terms of a gubernatorial executive order or a determination by a public officer or employee related to governmental procurement.

It also adds a new section to the Lobbyist Regulation Act which prohibits a former member of the legislature from accepting compensation as a lobbyist for a period of one year after the end of the term for which the legislator was elected or appointed.

Additionally, a lobbyist's employer shall not compensate a former member of the legislature as a lobbyist for a period of one calendar year after the end of the term for which the legislator was elected or appointed.

The provisions of this act shall apply to former legislators whose terms of office end on or after December 31, 2012.

FISCAL IMPLICATIONS

There are no fiscal implications.

SIGNIFICANT ISSUES

Moratoriums on lobbying by former legislators are common across the country throughout federal, state and local governments. In fact, twenty-six states place similar moratoriums on lobbying by former state legislators.

The AGO provided the following:

In fact, Section 10-16-8 of New Mexico's Governmental Conduct Act currently places a similar but narrower 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.

Section 10-16-3 of the Governmental Conduct Act requires legislators and public officials 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 legislators are 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

This bill does not create any significant issues for the SOS. It would require minimal additional oversight of lobbyist regulation.

ALTERNATIVES

The bill provides that the one-year moratorium begin after the end of the term for which the legislator was elected or appointed. However, if a legislator resigns, that legislator could lobby during the interim until the term ends.

AGO suggests that the bill should provide that the one-year moratorium begin once the legislator leaves office.

DW/svb