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FISCAL IMPACT REPORT

SPONSOR Thomson/Steinborn ORIGINAL DATE 2/1/19
LAST UPDATED _____ HB 140
SHORT TITLE Employer Estimated Lobbyist Reports SB _____
ANALYST Glenn

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Indeterminate	Indeterminate			See Fiscal Implications

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 131, SB 191

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)
Secretary of State's Office (SOS)

SUMMARY

Synopsis of Bill

House Bill 140 amends the Lobbyist Regulation Act to require lobbyist employers to file estimated lobbying expense reports with SOS on a prescribed form or in electronic format. The reports reflect estimated expenditures paid and political contributions made by a lobbyist that are reimbursed by the lobbyist's employer, and compensation paid to a lobbyist. HB 140 amends Section 2-11-7 of the Act to provide that lobbyist, registrations, lobbying expense reports and expenditure reports shall be posted on the SOS lobbyist disclosure website within 48 hours of receipt, except during legislative sessions, when they must be posted within 24 hours of receipt.

The effective date of HB 140 is December 15, 2019.

FISCAL IMPLICATIONS

According to SOS, the current electronic reporting system does not provide for the lobbying expense reports required by the bill. SOS will need to implement a minor system enhancement to accommodate the new reports.

SIGNIFICANT ISSUES

SOS states that the bill will increase transparency related to lobbyist spending and amounts reimbursed or paid by a lobbyist's employer.

HB 140 requires that an estimated tax report filed by a lobbyist employer include the amount of total lobbying expenses actually incurred during the preceding year, unless those expenses differ by more than 10 percent from the estimated lobbying expenses for the same period. SOS states that the requirement may create confusion in cross reference checks of reports filed by other persons, i.e., lobbyists, candidates, or political committees, and may be difficult for SOS to enforce. SOS suggests that HB 140 might be amended to require reporting of actual expenses regardless of the variation from estimated expenses.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 140 relates to SB 191, Lobbyist Reporting Requirements, & HB 131, Post-Session Lobbying Reports

HB 140 conflicts with SB 191, because both bills amend Section 2-11-6 NMSA 1978.

BG/gb