

LFC Requester:

HILLA

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original Amendment
Correction Substitute

Date 1/18/2024

Bill No: HB 85

Sponsor: Garratt

Agency Name
and Code
Number:

Secretary of State, 370

Short Title: LOBBYING ACTIVITY
REPORT REQUIREMENTS

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$20 - \$30			Nonrecurring	

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 85 adds a new section to the Lobbyist Regulation Act that requires lobbyists and lobbyist employers to submit a lobbying activity report that includes specific legislation lobbied and position taken. The report should be made for introduced, filed and drafted legislation, and in the instance of filed legislation, the report shall be included on the bill’s web page on the legislature’s website.

Lobbyists will have to submit the activity report prior to the end of the legislative session or before the deadline for the governor to act on legislation if lobbying occurs post-legislative session. The new section also includes a requirement that an additional activity report be submitted if the position of a lobbyist changes on legislation.

The bill allows the SOS to determine the timing and format of filings.

Section 2 of HB 85 also amends Section 2-11-7 NMSA 1978 to require the Secretary of State (SOS) to keep and maintain the filed activity reports on its lobbyist disclosure website in a searchable and downloadable format. Amendments also require the SOS to preserve lobbying activity reports for at least ten years.

The bill has an effective date of January 1, 2026.

FISCAL IMPLICATIONS

HB 85’s provision that the lobbyist activity report to be filed electronically would require the office to create an additional reporting module in the existing Lobbyist Reporting System. The cost to add the module is estimated as a one-time nonrecurring cost of twenty to thirty thousand dollars (\$20,000 – \$30,000) in FY25 based on discussions and collaboration with the implementation vendor.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

In order to meet the new requirements of HB 85, the delayed effective date of January 1, 2026 would be necessary in order for the implementation of critical lobbyist disclosure system enhancements, staff training and public outreach.

And by adding an additional reporting requirement, the SOS will have additional administration duties associated with education, compliance, and enforcement. Full funding of elections staff is necessary to keep up with the volume of work associated with all of the statutory duties supported by the office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS