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FISCAL IMPACT REPORT

SPONSOR Pope LAST UPDATED _____
ORIGINAL DATE 1/31/2025
BILL _____
SHORT TITLE No Legislators as Lobbyists for 2 Years NUMBER Senate Bill 90
ANALYST Lobaugh

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
SOS	No fiscal impact	\$30.0	No fiscal impact	\$30.0	Nonrecurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

Secretary of State (SOS)

New Mexico Attorney General (NMAG)

State Ethics Commission

SUMMARY

Synopsis of Senate Bill 90

Senate Bill 90 (SB90) adds a new section to the state Lobbyist Regulation Act which prohibits former state legislators from accepting compensation as lobbyists and also prohibits lobbyist employers from compensating former state legislators as lobbyists for two years after the conclusion of former state legislators' terms of office. SB90 specifies that violations of these provisions shall be subject to the penalties of the state Lobbyist Regulation Act, which includes a fine of up to \$5,000, a prohibition of lobbying activities for up to three years, or a revocation of the lobbyist's registration with the Secretary of State (SOS).

SB90 also amends the state Lobbyist Regulation Act to require that a lobbyist disclose whether they have served as a state legislator in the past two years when registering with the SOS. Currently, when a lobbyist registers with SOS, the lobbyist files their registration under oath in an electronic format and registers their full name, business address, and the name and address of each of the lobbyist's employers. SB90 requires SOS notify a lobbyist's employers if the lobbyist indicated in their registration that the lobbyist has served as a state legislator in the past two years.

The effective date of this bill is January 1, 2026. The requirements of SB90 would apply to all people holding the office of state legislator on or after January 1, 2026.

FISCAL IMPLICATIONS

SB90 does not contain an appropriation and would have a minimal fiscal impact. SOS currently maintains an online lobbyist reporting system and reports that SB90 would require modifications and enhancements to that system at a one-time cost of \$30 thousand.

SIGNIFICANT ISSUES

Laws that restrict the ability of public officials and government employees to work for private interests after leaving their public positions are often referred to as “revolving door statutes.” The State Ethics Commission reports that revolving door statutes like SB90 do not only address the appearance of corruption but combat actual conflicts of interest.

State law currently prohibits former executive branch employees from (1) representing a client before their employer for one year after leaving their position and (2) ever representing a client before their employer on a matter the former employee participated in personally and substantively while in state service (Section 10-16-8 NMSA 1978).

Federal law imposes criminal penalties on former members of Congress who engage in paid or unpaid lobbying during the two-year period following the member’s departure from their legislative office (18 U.S.C. § 207(e)(1)). SB90 imposes a similar revolving door prohibition on former legislators, although it does not prohibit a former legislator from engaging in unpaid lobbying activities.

ADMINISTRATIVE IMPLICATIONS

SOS notes that SB90 would add administrative duties to SOS, including educating stakeholders on, and ensuring compliance with, the provisions of SB90.

The State Ethics Commission reports that SB90 could marginally increase the commission’s workload relating to the state Lobbyist Regulation Act, which includes the investigation of and adjudication of complaints, enforcement through civil action, and the issuance of advisory opinions.