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FISCAL IMPACT REPORT

SPONSOR O'Neill ORIGINAL DATE 01/26/11
LAST UPDATED 03/12/11 HB 67/a HBIC
SHORT TITLE Prohibit Public Official Lobbying for 1 Year SB _____
ANALYST Wilson

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY10	FY11	FY12		
		(\$0.1-\$1.0)	Recurring	General Fund

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of HBIC Amendment

The House Business and Industry Committee Amendment to House Bill 67 makes the violation of the restriction on lobbying by certain former public officials a misdemeanor.

Synopsis of Original Bill

House Bill 67 amends the Lobbyist Regulation Act by placing a one year moratorium on lobbying by a former statewide elected official, a former public regulation commissioner, a former state legislator and a former cabinet secretary.

FISCAL IMPLICATIONS

The SOS notes there might be some decrease in the collection of lobbyist fees; however, there is no way to estimate an amount for this reduction and it is unlikely the overall number of lobbyists would decrease. Fees are collected in accordance with Section 2-11-3(A) of the Lobbyist Regulation Act which states that any individual who is initially employed or retained as a

lobbyist shall register with the secretary of state by paying an annual filing fee of \$25 for each of the lobbyist's employers.

SIGNIFICANT ISSUES

The AGO provided the following:

Moratoriums on lobbying by former legislators and public officials are common throughout federal, state and local governments.

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.

Section 10-16-8 of the Governmental Conduct Act currently places a similar but narrower moratorium on state public officials and employees, but excludes legislators; public officials and employees are prohibited from representing anyone for pay before the government agency at which they formerly worked. This bill expands this one year moratorium to all lobbying by these specific public officials.

In contrast, lobbying by former legislators and public officials can potentially create an appearance of impropriety by creating the impression that a legislator is personally profiting by virtue of their status of formerly being a legislator or public official.

Failure to pass this bill will reinforce this appearance of impropriety in the public's mind, thereby undermining public trust in government.

ADMINISTRATIVE IMPLICATIONS

The Ethics Division of the SOS can handle the oversight and education required by this bill as part of its ongoing responsibilities.

DW/svb:mew