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FISCAL IMPACT REPORT

	ORIGINAL DATE 03/01/11	
SPONSOR <u>Gentry</u>	LAST UPDATED _____	HB <u>376</u>
SHORT TITLE <u>Public Officer Lobbying, Ethics & Disclosures</u>	SB _____	
		ANALYST <u>Aledo</u>

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 67 and SB 432

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)

Attorney General's Office (AGO)

New Mexico Corrections Department (NMCD)

SUMMARY

Synopsis of Bill

House Bill 376 amends several sections of the Governmental Conduct Act.

- It defines an employee as any person hired for any state office and receives compensation in the form of salary or is eligible for per diem or mileage.
- This bill places a 2 year moratorium on lobbying by former public officers and legislators following their term of service.
- HB 376 also amends the section pertaining to prohibited contributions made by financial service contractors to include food and refreshments of more than \$250 annually.
- It adds a requirement that financial disclosure statements filed pursuant to the Financial Disclosures Act be notarized.
- The bill amends the Gift Act to limit a gift accepted by state employees from restricted donors and donated by restricted donors to state employees to an aggregate market value of no more than \$250 in a calendar year. The bill also extends the Gift Act to family members.
- The bill requires public officers to attend two hours of ethics continuing education and training biennially.

The effective date of this legislation would be July 1, 2011.

SIGNIFICANT ISSUES

The Attorney General’s Office notes that moratoriums on lobbying by former legislators and public officials are common throughout federal, state and local governments.

In fact, Section 10-16-8 of the 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

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The AGO cautions that 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.

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