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FISCAL IMPACT REPORT

SPONSOR Feldman **ORIGINAL DATE** 02/22/11
LAST UPDATED _____ **HB** _____

SHORT TITLE No Ex-Legislators as Lobbyists, Expand Act **SB** 313

ANALYST Aledo

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 313 amends the Lobbyist Regulation Act by prohibiting former legislators from accepting compensation for the purpose of lobbying within one year following their term of service as state legislator. In addition, SB313 prohibits employers from compensating former state legislators for lobbying services for a one year period following the term for which the legislator was elected or appointed.

This bill expands the definition of lobbying so that it includes the attempt to influence executive orders and/or a determination by a public officer or employee regarding governmental procurement.

This legislation would go into effect on December 31, 2012.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

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

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.” The AGO maintains that 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.

ADMINISTRATIVE IMPLICATIONS

The Ethics Division of the Office of Secretary of State would be responsible for oversight and education relevant to this section, and investigation of complaints for violation.

MCA/mew