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FISCAL IMPACT REPORT

SPONSOR Garratt/Thomson **ORIGINAL DATE** 2/23/19
LAST UPDATED 3/13/19 **HB** 551/aSRC

SHORT TITLE Lobbyist Harassment Training & Investigations **SB** _____

ANALYST Glenn

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$1.0	\$1.0	\$1.0	\$3.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to: HB 4, HB 131, HB 140, SB 191

SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State's Office (SOS)

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of SRC Amendment

The Senate Rules Committee Amendment to House Bill 551 changes the program that lobbyists are required to participate in from a sexual harassment prevention training program to an ethics and sexual harassment training program.

Synopsis of Original Bill

House Bill 551 amends the Lobbyist Regulation Act to require lobbyists to have participated in a sexual harassment prevention training program within the past two years as a condition to engaging in lobbying. The program must last at least four hours, be sponsored by SOS, sponsored by an employer of the lobbyist, or conducted by a certified human resources professional. The registration statement filed under the Lobbyist Regulation Act must affirm that the lobbyist has undergone sexual harassment prevention training as required by the bill.

HB 551 permits a person who alleges that a lobbyist has engaged in sexual harassment, as defined by the bill, to report the allegation to SOS. SOS may investigate the allegation and take

action as authorized by law. The identity of the person who makes an allegation is protected from public disclosure.

FISCAL IMPLICATIONS

SOS states that it anticipates a \$1 thousand budgetary impact for sexual harassment prevention trainings conducted by SOS. SOS also may incur contractual services costs to hire an investigator or hearing officer to investigate and review allegations that a lobbyist has engaged in sexual harassment.

ADMINISTRATIVE IMPLICATIONS

SOS states that, if HB 551 is enacted, SOS likely will need to adopt a rule to establish procedures for investigating allegations of misconduct by a lobbyist and to specify potential actions by SOS should an investigation determine that a lobbyist engaged in sexual harassment.

SOS notes that it currently does not have the personnel resources or expertise to investigate allegations of sexual harassment against lobbyists.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to:

HB 4 State Ethics Commission Act
HB 131 Post-Session Lobbying Reports
HB 140 Employer Estimated Lobbyist Reports
SB 191 Lobbyist Reporting Requirements

TECHNICAL ISSUES

Section 2 of HB 551 provides that the “individuals involved” in making a record and investigating an allegation of sexual harassment shall protect from public disclosure the identity of the person who made the allegation. To avoid an overly narrow interpretation, the protection from public disclosure might be amended to provide: “The identity of the person who made the allegation is not subject to public disclosure.”

BG/gb/sb