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FISCAL IMPACT REPORT

SPONSOR Szczepanski/Chandler/Cervantes **LAST UPDATED** _____
ORIGINAL DATE 1/31/23
BILL
SHORT TITLE Disclosure of Legislative Ethics Complaints **NUMBER** House Bill 169
ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No Fiscal Impact	No Fiscal Impact	No Fiscal Impact			
Total						

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent version of this legislation.

Sources of Information

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)

State Ethics Commission (SEC)

SUMMARY

Synopsis of House Bill 169

House Bill 169 (HB169) amends existing law governing the interim Legislative Ethics Committee to remove a complainant from the confidentiality provisions governing a complaint, thus allowing a complainant to disclose any information relating to the filing or investigation of a complaint at any time, including prior to any finding of probable cause.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

Responding agencies and LFC staff anticipate no fiscal implications arising from HB169.

SIGNIFICANT ISSUES

Existing law governing complaints filed with the interim Legislative Ethics Committee requires that the complainant, the committee and its staff maintain confidentiality of any information

relating to the filing or investigation of a complaint prior to a finding of probable cause. HB169 allows the complainant to publically disclose that information. SEC points out that currently, a respondent is not prohibited from disclosing information related to a complaint. Under HB169, both the complainant and the respondent are allowed to disclose such information, while maintaining the prohibition as to the committee and its staff.

SEC, which is charged with interpreting and enforcing many of the state's ethics statutes, advises that conduct addressed through the interim Legislative Ethics Committee might also be subject to SEC's complaint process. SEC notes that under SEC's enabling act, much of the complaint process is confidential, but, in contrast to existing law governing the interim Legislative Ethics Committee, the confidentiality requirements for SEC apply only to the commissioners and their agents and employees; SEC cannot prohibit the complainant or respondent from releasing information related to the complaint. See Section 10-16G-13, NMSA 1978. HB169 makes the confidentiality provisions of the two complaint processes consistent with each other.

MD/rl/ne