

LFC Requester:

Emily Hilla

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: January 29, 2025

Check all that apply:

Bill Number: HB143

Original x Correction
Amendment Substitute

Sponsor: Rep. Sarah Silva; Sen. Jeff Steinborn

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: Lobbying Activity Reports

Analysis: AAG Jeff Dan Herrera

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

House Bill (the “Bill”) 143 seeks to amend the Lobbyist Regulation Act (the “Act”), Chapter 2, Article 11, NMSA 1978.

Section One

Section One of the Bill creates a new section of the Act that would require a lobbyist or their employer who is required to file an expenditure report or registration statement to also file a lobbying activity report with the Secretary of State prior to the end of the legislative session detailing 1) the specific legislation lobbied; 2) the lobbyist’s or their employer’s support, opposition, or other position on the legislation and whether it changed (and each change in position should be separately reported); and 3) the name of the lobbyist’s employer that lobbied on the legislation (either directly or through the lobbyist). Section One additionally contains a provision extending the deadline if lobbying is conducted after the adjournment of the legislative session (extending to the deadline for the Governor to act on legislation). Section One additionally would require the lobbying activity report for each piece of legislation to be included or linked to the Legislature’s website for that bill.

Section Two

Section Two of the Bill amends NMSA 1978, Section 2-11-7 to reflect the addition of lobbying activity reports to the provision of the Act requiring that the Secretary of State publish reports filed by lobbyists under the Act.

Section Three

Section Three of the Bill creates an effective date for the legislation as January 1, 2027, accompanying the swearing-in date for the 58th Legislature.

FISCAL IMPLICATIONS

N/A.

SIGNIFICANT ISSUES

The Bill requires that the lobbying activity report includes the disclosure of lobbying activity on the development of legislation prior to its introduction in a legislative session. The bill is silent, and therefore ambiguous, on whether such disclosure is required if no legislation is ultimately

introduced. For example, it is unclear whether a lobbyist would still have to include such activity in a report if the lobbyist 1) engages in significant lobbying to develop legislation that is ultimately never introduced, or 2) engages in significant lobbying to prevent legislation from being introduced and is successful in that endeavor.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related Legislation

SB90, introduced by Sen. Harold Pope, creates an additional, separate section of the Act, which would establish a “cooling off” period for former legislators, prohibiting them from acting as paid lobbyists for a period of two years following their service. SB90 additionally amends a section of the Act not contemplated by HB143.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

Adding a sentence or clause to Section 2(A) of the Bill to clarify the issue noted above would avoid the noted ambiguity.