

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: 1/27/2025

Check all that apply:

Bill Number: SB 90

Original Correction
Amendment Substitute

Sponsor: Sen. Harold Pope

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

Person Writing

Short Title: No Legislators as Lobbyists for 2 Years

Analysis: AAG Erica Schiff

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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:

SB 90 adds a new section to the Lobbyist Regulation Act, NMSA 1978, §§ 2-11-1 to -10, (the Act) that bars former members of the New Mexico Legislature from accepting compensation as lobbyists, and lobbyists’ employers from compensating former state legislators as a lobbyist, for a period of two years after service as a legislator, and provides for penalties under the Act for violations. (**Section 1**)

SB 90 also amends registration requirements for lobbyists. Under SB 90, individuals registering as lobbyists must file a statement under oath stating whether they have served as a legislator in the past two years. The amendments also require the secretary of state to notify a lobbyist’s employers if a lobbyist has indicated that they have served as a state legislator in the past two years. (**Section 2**)

Section 3 and **Section 4** simply state that the Act applies to anyone who is a state legislator on or after 1/1/26, and that the effective date of the Act is 1/1/26.

The condition in SB 90 that former legislators may not serve as lobbyists for a period of two years is consistent with federal law barring former members of the United States House of Representatives and Senate from lobbying for one and two years, respectively, after leaving office. At least 30 other states bar former legislators from lobbying before the legislature for periods ranging from six months to six years.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

NMSA 1978 § 10-16-8 presently bars former public officers or employees from lobbying a state or local agency at which they previously worked for a period of one year. No former public officer or employee may lobby on a matter in which the former officer or employee personally and substantially participated while serving as a public officer or employee.

There are no conflicting bills currently pending.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.