

LFC Requester:

Esquibel

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://agencyanalysis.nmlegis.gov) and email to billanalysis@dfa.nm.gov****(Analysis must be uploaded as a PDF)****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** 1/28/2026*Check all that apply:***Bill Number:** HB 164Original ☒ Correction ☐Amendment ☐ Substitute ☐**Agency Name****and Code**

410 State Ethics Commission

Number:**Sponsor:** Rep. Sarah Silva**Short** Lobbying Activity Reports**Person Writing** Zach Goodrich**Title:****Phone:** 505-554-7196 **Email** Zach.goodrich@sec.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	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

BILL SUMMARY

Synopsis:

HB 164 amends the Lobbyist Regulation Act by requiring a new lobbyist activity report for any lobbyist/lobbyist's employer who would be also required to file a registration statement or expenditure report under Section 2-11-3 and 2-11-6, respectively. The report would cover lobbying for legislation that has been introduced in, as well as lobbying in any development of the legislation before, a legislative session.

The report would identify (i) the specific legislation lobbied, (ii) the lobbyist's/lobbyist's employer's position on the legislation, and (iii) the name of the lobbyist's employer whether they lobbied directly or through a lobbyist. Furthermore, the bill also requires reporting of (iv) any lobbying done after a legislative session by the end of the period in which the governor may act on legislation, and (v) an updated report if a lobbyist's/lobbyist's employer's position on legislation has changed.

Additional provisions in the bill provide for linking the report on the legislature's website and hosting/preserving the report alongside other lobbyist reports on the Secretary of State's website. The new reporting requirement would take effect January 1, 2027.

FISCAL IMPLICATIONS

These amendments could marginally increase the Commission's workload relating to the Lobbyist Regulation Act but are not anticipated to create significant fiscal implications for the Commission.

SIGNIFICANT ISSUES

Lobbying is an important part of New Mexico's democratic process, offering lawmakers access to specialized knowledge and perspectives that can lead to better-informed public policies. However, lobbying also carries risks, such as the potential for undue influence that may compromise fairness, transparency, and public trust. Laws regulating lobbyists can help balance these benefits and risks, ensuring that lobbying serves the interests of all New Mexicans.

New Mexico's lobbyist regulation laws currently rank among the least effective in the country. In 2022, OpenSecrets ranked New Mexico 41st nationwide in its analysis of lobbyist disclosure laws.¹ If enacted, HB 164 would modernize New Mexico's lobbyist disclosure requirements and follow a trend in other states of increased disclosure, including specific positions on legislation, any work to influence legislation before its formal introduction, and for those who commence lobbying after a legislative session to influence the governor's action on legislation. See [State Lobbying Disclosure: A Scorecard](https://www.opensecrets.org/news/reports/layers-of-lobbying/lobbying-scorecard), and [State Lobby Chart](https://www.opensecrets.org/news/reports/layers-of-lobbying/lobbying-chart), courtesy of Open Secrets.

PERFORMANCE IMPLICATIONS

¹ See OpenSecrets, State Lobbying Disclosure: A Scorecard (June 28, 2022) available at <https://www.opensecrets.org/news/reports/layers-of-lobbying/lobbying-scorecard> (showing New Mexico is in the bottom quintile across the 50 states with respect to disclosure requirements related to lobbying).

ADMINISTRATIVE IMPLICATIONS

The State Ethics Commission has jurisdiction to investigate and adjudicate administrative complaints alleging violations of the Lobbyist Regulation Act, to enforce the Lobbyist Regulation Act through civil actions, and to issue advisory opinions regarding the Lobbyist Regulation Act. These amendments could marginally increase the Commission's workload relating to the Lobbyist Regulation Act.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 35 has also been introduced during the 2026 legislative session and is largely duplicative of HB 164, albeit with less reporting requirements. HB 35 also requires an additional lobbying report covering legislation lobbied, including before being introduced during a legislative session, as well as listing the position of the lobbyist/lobbyist employer.

HB 164 is identical to HB 143 introduced during the 2025 regular legislative session which was passed by the House and Senate but vetoed by the Governor, while HB 35 does not contain the additional requirements for post-session lobbying and changes in positions on legislation.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS