

HOUSE BILL 143

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO LOBBYING; REQUIRING A LOBBYING ACTIVITY REPORT ON THE LEGISLATION LOBBIED AND POSITION TAKEN BY A LOBBYIST HJC→~~OR~~←HJC HJC→~~AND~~←HJC LOBBYIST'S EMPLOYER; PRESERVING LOBBYING ACTIVITY REPORTS FOR AT LEAST TEN YEARS Hf11→; **RESTRICTING LOBBYIST EXPENDITURES**←Hf11 .

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Lobbyist Regulation Act

.229340.3AIC March 4, 2025 (6:44pm)

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is enacted to read:

"[NEW MATERIAL] LOBBYING ACTIVITY REPORT.--

A. HJC→~~Prior to the adjournment of a legislative session,~~ a←HJC HJC→A←HJC lobbyist or lobbyist's employer that is required to file an expenditure report pursuant to Section 2-11-6 NMSA 1978 or registration statement pursuant to Section 2-11-3 NMSA 1978 shall file a lobbying activity report or reports with the secretary of state that discloses the lobbyist's or lobbyist's employer's lobbying activity on legislation that has been introduced, including any lobbying on the development of legislation prior to its introduction in a legislative session, and that identifies the:

- (1) specific legislation lobbied;
- (2) lobbyist's HJC→or←HJC HJC→and←HJC

lobbyist's employer's support, opposition or other position taken on the legislation and whether the support, opposition or other position changed; and

(3) name of the lobbyist's employer that lobbied on the legislation, either directly or through the registered lobbyist.

B. If a lobbyist or lobbyist's employer commences lobbying on legislation after the adjournment of a legislative session, a lobbying activity report shall be filed prior to the end of the time period in which the governor may act on legislation.

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C. A lobbyist or lobbyist's employer is only required to report lobbying activity on a piece of legislation one time unless the lobbyist's or lobbyist's employer's position on the legislation has changed, in which case the lobbying activity for each change in position shall be reported.

D. The lobbying activity report shall be filed HJC→~~at a time and~~←HJC in a format as prescribed by rule of the secretary of state HJC→; ~~provided that the time for filing lobbying activity reports is consistent with filing as soon as practicable after~~←HJC HJC→~~within forty-eight hours of~~←HJC commencement of the lobbying activity.

E. The lobbying activity reported for each specific piece of legislation shall be included or linked on the legislature's website for that specific piece of legislation."

Hf11→SECTION 2. A new section of the Lobbyist Regulation Act is enacted to read:

"[NEW MATERIAL] RESTRICTIONS ON LOBBYIST EXPENDITURES DURING AND OUTSIDE OF A PROHIBITED PERIOD.--

A. Except as provided in Subsection B of this section, it is unlawful for a lobbyist or a lobbyist's employer to make an expenditure on gifts, food, beverages or entertainment during a prohibited period, as that term is defined in Section 1-19-34.1 NMSA 1978, or outside of a prohibited period in an amount that exceeds an aggregate amount

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of fifty dollars (\$50.00) per recipient per day, for the benefit of:

(1) any elected official of the state or any political subdivision of the state;

(2) any staff or employee of an elected official of the state or any political subdivision of the state; or

(3) any appointed public official with decision-making authority over laws of the state, administrative rules or public contracts.

B. A lobbyist and a lobbyist's employer may make expenditures during a prohibited period for:

(1) public events where food or beverages are provided to the general public and not exclusively to elected officials or their staff or employees; and

(2) political contributions made in compliance with the Campaign Reporting Act."

SECTION 3. Section 2-11-6 NMSA 1978 (being Laws 1977, Chapter 261, Section 6, as amended) is amended to read:

"2-11-6. EXPENDITURE REPORT TO BE FILED--CONTENTS--REPORTING PERIODS.--

A. Each lobbyist who receives compensation or lobbyist's employer who makes or incurs expenditures or makes political contributions for the benefit of or in opposition to

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a state legislator or candidate for the state legislature, a state public officer or candidate for state public office, a board or commission member or state employee who is involved in an official action affecting the lobbyist's employer or in support of or in opposition to a ballot issue or pending legislation or official action shall file an expenditure report with the secretary of state using an electronic reporting system approved by the secretary of state in accordance with Section 2-11-7 NMSA 1978. The expenditure report shall include a sworn statement that sets forth:

(1) the cumulative total of all individual expenditures of less than [~~one hundred dollars (\$100)~~] fifty dollars (\$50.00) made or incurred by the employer or lobbyist during the covered reporting period, separated into the following categories:

(a) meals and beverages;

(b) other entertainment expenditures;

and

(c) other expenditures;

(2) each individual expenditure of [~~one hundred dollars (\$100)~~] fifty dollars (\$50.00) or more made or incurred by the employer or lobbyist during the covered reporting period, indicating the amount spent and a description of the expenditure. The list shall be separated into the

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following categories:

(a) meals and beverages;

(b) other entertainment expenditures;

and

(c) other expenditures;

(3) each political contribution made, and whether the contribution is from the lobbyist's employer or the lobbyist on the lobbyist's own behalf, identified by amount, date and name of the candidate or ballot issue supported or opposed; and

(4) the names, addresses, employers and occupations of other contributors and the amounts of their separate political contributions if the lobbyist or lobbyist's employer delivers directly or indirectly separate contributions from those contributors to a candidate, a campaign committee or anyone authorized by a candidate to receive funds on the candidate's behalf.

B. The expenditure report shall be filed electronically and shall be electronically authenticated by the lobbyist or the lobbyist's employer using an electronic signature as prescribed by the secretary of state in conformance with the Electronic Authentication of Documents Act and the Uniform Electronic Transactions Act. For the purposes of the Lobbyist Regulation Act, a report that is electronically

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authenticated in accordance with the provisions of this subsection shall be deemed to have been subscribed and sworn to by the lobbyist or the lobbyist's employer that is required to file the report.

C. In identifying expenditures pursuant to the provisions of Paragraphs (1) and (2) of Subsection A of this section, in the case of special events, including parties, dinners, athletic events, entertainment and other functions, to which all members of the legislature, to which all members of either house or any legislative committee or to which all members of a board or commission are invited, expenses need not be allocated to each individual who attended, but the date, location, name of the body invited and total expenses incurred shall be reported.

D. A lobbyist who accepts compensation for lobbying but does not incur expenditures or make political contributions during a reporting period may file a statement of no activity in lieu of a full report for that period in accordance with the reporting schedule in Subsection E of this section.

E. The reports required pursuant to the provisions of the Lobbyist Regulation Act shall be filed:

(1) no later than January 15 for all expenditures and political contributions made or incurred during the preceding year and not previously reported;

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(2) within forty-eight hours for each separate expenditure made or incurred during a legislative session that was for five hundred dollars (\$500) or more;

(3) no later than the first Wednesday after the first Monday in May for all expenditures and political contributions made or incurred through the first Monday in May of the current year and not previously reported; and

(4) no later than the first Wednesday after the first Monday in October for all expenditures and political contributions made or incurred through the first Monday in October of the current year and not previously reported.

F. A lobbyist's personal living expenses and the expenses incidental to establishing and maintaining an office in connection with lobbying activities or compensation paid to a lobbyist by a lobbyist's employer need not be reported.

G. A lobbyist or lobbyist's employer shall obtain and preserve all records, accounts, bills, receipts, books, papers and documents necessary to substantiate the financial statements required to be made under the Lobbyist Regulation Act for a period of two years from the date of filing of the report containing such items. When the lobbyist is required under the terms of the lobbyist's employment to turn over any such records to the lobbyist's employer, responsibility for the preservation of them as required by this section and the filing

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of reports required by this section shall rest with the employer. Such records shall be made available to the secretary of state or attorney general upon written request.

H. A lobbyist's employer who also engages in lobbying shall also comply with the provisions of this section. A lobbyist and the lobbyist's employer shall coordinate their reporting to ensure that the contributions and expenditures that each have reported are not duplicative.

I. An organization of two or more persons, including an individual who makes any representation as being an organization, that within one calendar year expends funds in excess of two thousand five hundred dollars (\$2,500) not otherwise reported under the Lobbyist Regulation Act to conduct an advertising campaign for the purpose of lobbying shall register with the secretary of state within forty-eight hours after expending two thousand five hundred dollars (\$2,500). Such registration shall indicate the name of the organization and the names, addresses and occupations of any of its principals, organizers or officers and shall include the name of any lobbyist or lobbyist's employer who is a member of the organization. Within fifteen days after a legislative session, the organization shall report the contributions, pledges to contribute, expenditures and commitments to expend for the advertising campaign for the purpose of lobbying, including the

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names, addresses, employers and occupations of the contributors, to the secretary of state on a prescribed form."

SECTION 2. Section 2-11-7 NMSA 1978 (being Laws 1977, Chapter 261, Section 7, as amended) is amended to read:

"2-11-7. REGISTRATION, ~~AND~~ EXPENDITURE AND LOBBYING ACTIVITY REPORT--PRESERVATION AS PUBLIC RECORD--ONLINE REPORTS.--

A. Each registration, ~~and~~ expenditure and lobbying activity report as required by the Lobbyist Regulation Act shall be archived and accessible on the secretary of state's lobbyist disclosure website for a period of at least ten years from the date of filing as a public record, open to public inspection at any reasonable time. Unless an action or prosecution is pending that requires preserving the report, it may be destroyed ten years after the date of filing.

B. Lobbyist ~~registrations and~~ registration, expenditure and lobbying activity reports shall be kept and maintained on the secretary of state's lobbyist disclosure website and shall be available in searchable and downloadable formats.

C. With respect to the secretary of state's lobbyist disclosure website, all items in the records shall be easily searchable, sortable and downloadable by the public to

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the extent technically practicable.

D. The secretary of state shall ensure that contributions reported by persons pursuant to the Lobbyist Regulation Act are reported in a manner that is nonduplicative and as consistent as practicable with the reporting requirements of the Campaign Reporting Act. To the extent possible, the electronic reporting system used for registration and reporting required by the Lobbyist Regulation Act shall be integrated with the electronic reporting system used for compliance with the Campaign Reporting Act.

E. Reporting individuals under the Campaign Reporting Act shall receive automatic electronic notice of the contributions to them reported by lobbyists and lobbyists' employers within twenty-four hours of the filing of each expenditure report."

SECTION Hf11→3.←Hf11 Hf11→5.←Hf11 EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2027.