

SENATE BILL 248

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 LOBBYISTS; AMENDING THE LOBBYIST REGULATION ACT;
PROVIDING DEFINITIONS; EXPANDING EXPENDITURE REPORT
REQUIREMENTS.

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

SECTION 1. Section 2-11-2 NMSA 1978 (being Laws 1977,
Chapter 261, Section 2, as amended) is amended to read:

"2-11-2. DEFINITIONS.--As used in the Lobbyist Regulation

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Act:

A. "beneficial client" means the specific SRC→~~individual or organization~~←SRC SRC→person←SRC on whose behalf or at whose request or behest lobbying is conducted;

B. "beneficiary" means the SRC→~~individual or individuals~~←SRC SRC→person or persons←SRC who directly benefited or otherwise gained from an expenditure;

[A-] C. "compensation" means any money, per diem, salary, fee or portion thereof or the equivalent in services rendered or in-kind contributions received or to be received in return for lobbying services performed or to be performed;

D. "contractual client" means the SRC→~~individual or organization that~~←SRC SRC→person who←SRC retains the services of a lobbyist SRC→~~for the benefit of itself or another~~←SRC ;

[B-] E. "expenditure" means a payment, transfer or distribution or obligation or promise to pay, transfer or distribute any money or other thing of value, but does not include a lobbyist's own 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;

F. "legislation" means a bill, resolution, amendment, nomination or other matter pending in either house of the legislature; any matter that is SRC→~~or may be~~←SRC the subject of action by either house or by a legislative

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committee, including the introduction, consideration, passage, defeat, approval or veto of the matter; or any matter pending in a constitutional convention SRC→~~or that may be the subject of action by a constitutional convention~~←SRC ;

[G.] G. "legislative committee" means a committee created by the legislature, including interim and standing committees of the legislature;

[D.] H. "lobbying" means attempting to influence:

(1) a decision related to any matter to be considered or being considered by the legislative branch of state government or any legislative committee or any legislative matter requiring action by the governor or awaiting action by the governor; or

(2) an official action;

[E.] I. "lobbyist" means SRC→~~any individual~~←SRC SRC→~~a person~~←SRC who is compensated for the specific purpose of lobbying; is designated by an interest group or organization to represent it on a substantial or regular basis for the purpose of lobbying; or in the course of [his] employment, is engaged in lobbying on a substantial or regular basis.

"Lobbyist" does not include:

(1) SRC→~~an individual~~←SRC SRC→~~a person~~←SRC who appears on [his] the SRC→~~individual's~~←SRC SRC→~~person's~~←SRC own behalf in connection with legislation or an official action;

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(2) [~~any~~] an elected or appointed officer of the state or its political subdivisions or an Indian tribe or pueblo acting in [~~his~~] the officer's official capacity;

(3) an employee of the state or its political subdivisions, specifically designated by an elected or appointed officer of the state or its political subdivision, who appears before a legislative committee or in a rulemaking proceeding only to explain the effect of legislation or a rule on [~~his~~] the designated employee's agency or political subdivision, provided the elected or appointed officer of the state or its political subdivision keeps for public inspection and files with the secretary of state such designation;

(4) [~~any~~] a designated member of the staff of an elected state official, provided the elected state official keeps for public inspection and files with the secretary of state such designation;

(5) a member of the legislature, the staff of [~~any~~] a member of the legislature or the staff of [~~any~~] a legislative committee when addressing legislation;

(6) [~~any~~] a witness called by a legislative committee or administrative agency to appear before that legislative committee or agency in connection with legislation or an official action;

(7) SRC→~~an individual~~←SRC SRC→a person←SRC who provides only oral or written public testimony in

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connection with a legislative committee or in a rulemaking proceeding and whose name and the interest on behalf of which [he] the SRC→individual←SRC SRC→person←SRC testifies have been clearly and publicly identified; or

(8) a publisher, owner or employee of the print media, radio or television, while gathering or disseminating news or editorial comment to the general public in the ordinary course of business;

[F-] J. "lobbyist's employer" means the person whose interests are being represented and by whom a lobbyist is directly or indirectly retained, compensated or employed;

[G-] K. "official action" means the action or nonaction of a state official or state agency, board or commission acting in a rulemaking proceeding;

L. "payee" means the SRC→~~vendor, service provider or entity~~←SRC SRC→person←SRC to whom payment was made for an expenditure;

[H-] M. "person" means SRC→~~an individual~~←SRC SRC→a person←SRC , partnership, association, committee, federal, state or local governmental entity or agency, however constituted, public or private corporation or any other organization or group of persons who are voluntarily acting in concert;

[I-] N. "political contribution" means a gift, subscription, loan, advance or deposit of [any] money or other

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thing of value, including the estimated value of an in-kind contribution, that is made or received for the purpose of influencing a primary, general or statewide election, including a constitutional or other question submitted to the voters, or for the purpose of paying a debt incurred in any such election;

[J-] O. "prescribed form" means a form prepared and prescribed by the secretary of state;

[K-] P. "rulemaking proceeding" means a formal process conducted by a state agency, board or commission for the purpose of adopting a rule, regulation, standard, policy or other requirement of general applicability and does not include adjudicatory proceedings; and

[L-] Q. "state public officer" means a person holding a statewide office provided for in the constitution of New Mexico."

SECTION 2. 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 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

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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) 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) for 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 following categories:~~

~~(a) meals and beverages;~~

~~(b) other entertainment expenditures;~~

and

~~(c) other expenditures]~~

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(a) the date on which the expenditure was made;

(b) the payee of the expenditure;

(c) the beneficiary of the expenditure;

(d) the contractual client;

(e) the beneficial client;

(f) the purpose of the expenditure,

including: 1) identification of the legislation, including specific bill numbers where applicable, connected to the expenditure; 2) identification of the stance taken in connection with the specific lobbying effort tied to the expenditure, including supporting, opposing, amending SRC→~~or~~←SRC SRC→~~and~~←SRC monitoring; and 3) if the lobbying expenditure is not related to specific legislation, a statement to that effect and a description of the reason for the lobbying activity; and

(g) the amount spent and a description of the expenditure;

[~~(3)~~] (2) each political contribution made and whether the contribution is from the [~~lobbyist's employer~~] beneficial client 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)~~] (3) the names, addresses, employers and occupations of other contributors and the amounts of their

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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 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~~] Paragraph (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 SRC→~~individual~~←SRC SRC→person←SRC who attended, but the date, location, name of

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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;

(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

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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 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 SRC → ~~an individual~~ ← SRC SRC → a person ← SRC 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

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