

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

March 12, 2025

SENATE FLOOR AMENDMENT number _____ to HOUSE BILL 143, as amended
Amendment sponsored by Senator

1. On page 1, line 14, before the period, insert "; REQUIRING AN ORGANIZATION ENGAGED IN LOBBYING TO REGISTER WITH THE SECRETARY OF STATE".

2. On page 3, between lines 6 and 7, insert:

"SECTION 2. 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 Act:

A. "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;

B. "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;

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

D. "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

.231921.2

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

SF1/HB 143, aa

Page 2

any legislative committee or any legislative matter requiring action by the governor or awaiting action by the governor; or

(2) an official action;

E. "lobbyist" means any individual 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) an individual who appears on ~~[his]~~ the individual's own behalf in connection with legislation or an official action;

(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

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

SF1/HB 143, aa

Page 3

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) an individual who provides only oral or written public testimony in connection with a legislative committee or in a rulemaking proceeding and whose name and the interest on behalf of which ~~[he]~~ the individual 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. "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. "official action" means the action or nonaction of a state official or state agency, board or commission acting in a rulemaking proceeding;

H. "organization engaged in lobbying" means a person that does not employ a lobbyist but engages in lobbying. "Organization engaged in lobbying" does not mean:

(1) an individual who engages in lobbying on the individual's own behalf in connection with legislation or an official action over laws of the state or administrative rules; or

(2) an elected or appointed officer of the state or any political subdivision of the state or of an Indian nation, tribe

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

SF1/HB 143, aa

Page 4

or pueblo;

[H.] I. "person" means an individual, 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;

[H.] J. "political contribution" means a gift, subscription, loan, advance or deposit of [~~any~~] money or other 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;

[H.] K. "prescribed form" means a form prepared and prescribed by the secretary of state;

[K.] L. "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

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

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

"2-11-3. REGISTRATION STATEMENT TO BE FILED--CONTENTS--
MODIFICATION TO STATEMENT.--

A. In the month of January prior to each regular session or before any service covered by the Lobbyist Regulation Act

.231921.2

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

SF1/HB 143, aa

Page 5

commences, any individual who is initially employed or retained as a lobbyist shall register with the secretary of state by paying an annual filing fee of fifty dollars (\$50.00) for each of the lobbyist's employers and by filing a single registration statement under oath in an electronic format as prescribed by the secretary of state that states:

(1) the lobbyist's full name, permanent business address and business address while lobbying; and

(2) the name and address of each of the lobbyist's employers.

B. No registration fee shall be required of individuals receiving only reimbursement of personal expenses and no other compensation or salary for lobbying. Except as required by Subsection D of Section 2-11-6 NMSA 1978, no expenditure report shall be required if the lobbyist anticipates making or incurring and makes or incurs no expenditures or political contributions under Section 2-11-6 NMSA 1978. The lobbyist shall indicate in the lobbyist's registration statement whether those circumstances apply to the lobbyist.

C. Upon receipt of the online registration and payment, the secretary of state shall publish the registration information on the secretary of state's lobbying disclosure website.

D. For each employer listed in Paragraph (2) of Subsection A of this section, the lobbyist shall file the following information:

(1) a full disclosure of the sources of funds used for lobbying;

(2) an affirmation from each of the lobbyist's employers authorizing the lobbyist to lobby on the employer's

.231921.2

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

SF1/HB 143, aa

Page 6

behalf;

(3) a brief description of the matters in reference to which the service is to be rendered; and

(4) the name and address of the person, if other than the lobbyist or the lobbyist's employer, who will have custody of the accounts, bills, receipts, books, papers and documents required to be kept under the provisions of the Lobbyist Regulation Act.

E. For each succeeding year that an individual is employed or retained as a lobbyist by the same employer, and for whom all the information disclosed in the initial registration statement remains substantially the same, the lobbyist shall file a simple annual registration renewal in January and pay the fifty-dollar (\$50.00) filing fee for each of the lobbyist's employers together with a short, abbreviated prescribed form for renewal.

F. Whenever there is a modification of the facts required to be set forth by this section or there is a termination of the lobbyist's employment as a lobbyist before the end of the calendar year, the lobbyist shall notify the secretary of state using the electronic registration system within one week of such occurrence and shall furnish full information concerning the modification or termination. If the lobbyist's employment terminates at the end of a calendar year, no separate termination need be reported.

G. In the month of January prior to each regular session or before any service covered by the Lobbyist Regulation Act, an organization engaged in lobbying shall register with the secretary of state by filing a single registration statement under oath in an electronic format as prescribed by the secretary of state that states the organization's full name, permanent business address and business address while lobbying. For each succeeding year that an organization continues to be an organization engaged in lobbying and for whom all the information disclosed in the initial registration

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

SF1/HB 143, aa

Page 7

statement remains substantially the same, the organization shall file a simple annual registration renewal in January."

SECTION 4. 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 or organization engaged in lobbying 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 an official action affecting the lobbyist's employer or organization engaged in lobbying 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, lobbyist's employer or organization engaged in lobbying 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

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

SF1/HB 143, aa

Page 8

dollars (\$100) or more made or incurred by the ~~[employer or]~~ lobbyist, lobbyist's employer or organization engaged in lobbying 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;

(3) each political contribution made, and whether the contribution is from ~~[the lobbyist's employer or]~~ the lobbyist on the lobbyist's own behalf, the lobbyist's employer or the organization engaged in lobbying, 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 or organization engaged in lobbying 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 or organization engaged in lobbying 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 or organization engaged in

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

SF1/HB 143, aa

Page 9

lobbying 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. An organization engaged in lobbying that does not incur expenditures or make political contributions or 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

.231921.2

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

SF1/HB 143, aa

Page 10

(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 or organization engaged in lobbying 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 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

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

SF1/HB 143, aa

Page 11

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]~~ or organization engaged in lobbying that 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."".

3. Renumber the succeeding sections accordingly.



Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____