

1 SENATE BILL 313

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Dede Feldman

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10 AN ACT

11 RELATING TO LOBBYING; PROHIBITING FORMER LEGISLATORS FROM
12 ACCEPTING COMPENSATION, AND LOBBYISTS' EMPLOYERS FROM
13 COMPENSATING FORMER LEGISLATORS, AS LOBBYISTS FOR A PERIOD OF
14 ONE YEAR AFTER THE END OF THE TERM FOR WHICH THE LEGISLATOR WAS
15 ELECTED OR APPOINTED; EXPANDING THE SCOPE OF THE LOBBYIST
16 REGULATION ACT.

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

19 SECTION 1. A new section of the Lobbyist Regulation Act
20 is enacted to read:

21 "[NEW MATERIAL] RESTRICTION ON LOBBYING BY FORMER MEMBERS
22 OF THE LEGISLATURE.--

23 A. A former member of the legislature shall not
24 accept compensation as a lobbyist for a period of one calendar
25 year after the end of the term for which the legislator was

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1 elected or appointed.

2 B. A lobbyist's employer shall not compensate a
3 former member of the legislature as a lobbyist for a period of
4 one calendar year after the end of the term for which the
5 legislator was elected or appointed."

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

8 "2-11-2. DEFINITIONS.--As used in the Lobbyist Regulation
9 Act:

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

14 B. "expenditure" means a payment, transfer or
15 distribution or obligation or promise to pay, transfer or
16 distribute any money or other thing of value, but does not
17 include a lobbyist's own personal living expenses and the
18 expenses incidental to establishing and maintaining an office
19 in connection with lobbying activities or compensation paid to
20 a lobbyist by a lobbyist's employer;

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

24 D. "lobbying" means attempting to influence:

25 (1) a decision related to any matter to be

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1 considered or being considered by the legislative branch of
2 state government or any legislative committee or any
3 legislative matter requiring action by the governor or awaiting
4 action by the governor; [~~or~~]

5 (2) the adoption, issuance, rescission,
6 modification or terms of a gubernatorial executive order;

7 (3) a determination by a public officer or
8 employee related to governmental procurement; or

9 [~~(2)~~] (4) an official action;

10 E. "lobbyist" means any individual who is
11 compensated for the specific purpose of lobbying; is designated
12 by an interest group or organization to represent it on a
13 substantial or regular basis for the purpose of lobbying; or in
14 the course of [~~his~~] the individual's employment, is engaged in
15 lobbying on a substantial or regular basis. "Lobbyist" does
16 not include:

17 (1) an individual who appears on [~~his~~] the
18 individual's own behalf in connection with legislation or an
19 official action;

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

23 (3) an employee of the state or its political
24 subdivisions, specifically designated by an elected or
25 appointed officer of the state or its political subdivision,

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

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

11 (5) a member of the legislature, the staff of
12 any member of the legislature or the staff of any legislative
13 committee when addressing legislation;

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

18 (7) an individual who provides only oral or
19 written public testimony in connection with a legislative
20 committee or in a rulemaking proceeding and whose name and the
21 interest on behalf of which ~~[he]~~ the individual testifies have
22 been clearly and publicly identified; or

23 (8) a publisher, owner or employee of the
24 print media, radio or television, while gathering or
25 disseminating news or editorial comment to the general public

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1 in the ordinary course of business;

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

5 G. "official action" means the action or nonaction
6 of a state official, or state agency, board or commission,
7 acting in a rulemaking proceeding;

8 H. "person" means an individual, partnership,
9 association, committee, federal, state or local governmental
10 entity or agency, however constituted, public or private
11 corporation or any other organization or group of persons who
12 are voluntarily acting in concert;

13 I. "political contribution" means a gift,
14 subscription, loan, advance or deposit of any money or other
15 thing of value, including the estimated value of an in-kind
16 contribution, that is made or received for the purpose of
17 influencing a primary, general or statewide election, including
18 a constitutional or other question submitted to the voters, or
19 for the purpose of paying a debt incurred in any such election;

20 J. "prescribed form" means a form prepared and
21 prescribed by the secretary of state;

22 K. "rulemaking proceeding" means a formal process
23 conducted by a state agency, board or commission for the
24 purpose of adopting a rule, regulation, standard, policy or
25 other requirement of general applicability and does not include

1 adjudicatory proceedings; and

2 L. "state public officer" means a person holding a
3 statewide office provided for in the constitution of New
4 Mexico."

5 SECTION 3. APPLICABILITY.--The provisions of Section 1 of
6 this act apply to former legislators whose terms of office end
7 on or after December 31, 2012.

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