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SENATE BILL 168

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Jeff Steinborn

AN ACT

RELATING TO LOBBYIST REGULATION; CHANGING REPORTING
REQUIREMENTS; CHANGING REGISTRATION FEES.

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

SECTION 1. That version of Section 2-11-3 NMSA 1978
(being Laws 1977, Chapter 261, Section 3, as amended) that is
to become effective on December 15, 2017 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 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)~~] one hundred dollars (\$100) for each of the

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1 lobbyist's employers and by filing a single registration
2 statement under oath in an electronic format as prescribed by
3 the secretary of state that states:

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

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

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

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

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

25 (1) a full disclosure of the sources of funds

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1 used for lobbying;

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

5 (3) a brief description of the matters in
6 reference to which the service is to be rendered, including the
7 legislative or administrative issue for which the lobbyist is
8 employed; and

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

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

22 F. Whenever there is a modification of the facts
23 required to be set forth by this section or there is a
24 termination of the lobbyist's employment as a lobbyist before
25 the end of the calendar year, the lobbyist shall notify the

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1 secretary of state using the electronic registration system
2 within one week of such occurrence and shall furnish full
3 information concerning the modification or termination. If the
4 lobbyist's employment terminates at the end of a calendar year,
5 no separate termination need be reported."

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

8 "2-11-6. EXPENDITURE REPORT TO BE FILED--CONTENTS--
9 REPORTING PERIODS.--

10 A. Each lobbyist who receives compensation or
11 lobbyist's employer who makes or incurs expenditures or makes
12 political contributions for the benefit of or in opposition to
13 a state legislator or candidate for the state legislature, a
14 state public officer or candidate for state public office, a
15 board or commission member or state employee who is involved in
16 an official action affecting the lobbyist's employer or in
17 support of or in opposition to a ballot issue or pending
18 legislation or official action shall file an expenditure report
19 with the secretary of state using an electronic reporting
20 system approved by the secretary of state in accordance with
21 Section 2-11-7 NMSA 1978. The expenditure report shall include
22 a sworn statement that sets forth:

23 (1) ~~[each expenditure of one hundred dollars~~
24 ~~(\$100.00) or more]~~ the total expenditures made or incurred by
25 the employer or lobbyist for each recipient during the covered

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1 reporting period, [~~indicating the amount spent and a~~
2 ~~description of the expenditure. The list shall be~~] separated
3 into the following categories:

4 (a) meals and beverages;

5 (b) other entertainment expenditures;

6 [~~and~~]

7 (c) gifts; and

8 (d) other expenditures;

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

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

21 B. The expenditure report shall be filed
22 electronically and shall be electronically authenticated by the
23 lobbyist or the lobbyist's employer using an electronic
24 signature as prescribed by the secretary of state in
25 conformance with the Electronic Authentication of Documents Act

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1 and the Uniform Electronic Transactions Act. For the purposes
2 of the Lobbyist Regulation Act, a report that is electronically
3 authenticated in accordance with the provisions of this
4 subsection shall be deemed to have been subscribed and sworn to
5 by the lobbyist or the lobbyist's employer that is required to
6 file the report.

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

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

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

24 (1) by [~~11:59 p.m.~~] midnight on January 15 for
25 all expenditures and political contributions made or incurred

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1 during the preceding year and not previously reported;

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

5 (3) by [~~11:59 p.m.~~] midnight on the first
6 Wednesday after the first Monday in May for all expenditures
7 and political contributions made or incurred through the first
8 Monday in May of the current year and not previously reported;
9 and

10 (4) by [~~11:59 p.m.~~] midnight on the first
11 Wednesday after the first Monday in October for all
12 expenditures and political contributions made or incurred
13 through the first Monday in October of the current year and not
14 previously reported.

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

19 G. A lobbyist or lobbyist's employer shall obtain
20 and preserve all records, accounts, bills, receipts, books,
21 papers and documents necessary to substantiate the financial
22 statements required to be made under the Lobbyist Regulation
23 Act for a period of two years from the date of filing of the
24 report containing such items. When the lobbyist is required
25 under the terms of the lobbyist's employment to turn over any

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1 such records to the lobbyist's employer, responsibility for the
2 preservation of them as required by this section and the filing
3 of reports required by this section shall rest with the
4 employer. Such records shall be made available to the
5 secretary of state or attorney general upon written request.

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

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

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1 advertising campaign for the purpose of lobbying, including the
2 names, addresses, employers and occupations of the
3 contributors, to the secretary of state on a prescribed form."

4 SECTION 3. EFFECTIVE DATE.--

5 A. The effective date of the provisions of Section
6 1 of this act is December 15, 2017.

7 B. The effective date of the provisions of Section
8 2 of this act is July 1, 2017.