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
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 behalf;

(3) a brief description of the matters in reference to which the service is to be rendered, including the legislative or administrative issue for which the lobbyist is employed; 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)] one-hundred-dollar ($100) 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."

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 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) [each expenditure of one hundred dollars ($100.00) or more] the total expenditures made or incurred by the employer or lobbyist for each recipient 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) gifts; and
(d) other expenditures;

(2) 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

(3) 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
.205488.3
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 Paragraph (1) 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) by [11:59 p.m.] midnight on 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) by [11:59 p.m.] midnight on 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) by [11:59 p.m.] midnight on 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
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
names, addresses, employers and occupations of the
contributors, to the secretary of state on a prescribed form."

SECTION 3. EFFECTIVE DATE.--

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

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

- 9 -