

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 34

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO LOBBYING; PROHIBITING FORMER LEGISLATORS FROM
ACCEPTING COMPENSATION AS LOBBYISTS FOR A PERIOD OF TWO YEARS
AFTER SERVICE AS A LEGISLATOR; PROHIBITING EMPLOYERS OF
LOBBYISTS FROM COMPENSATING FORMER LEGISLATORS AS LOBBYISTS FOR
A PERIOD OF TWO YEARS AFTER SERVICE; REQUIRING LOBBYISTS, WHEN
REGISTERING, TO FILE A STATEMENT UNDER OATH STATING WHETHER THE
LOBBYIST SERVED AS A LEGISLATOR IN THE PAST TWO YEARS;
PROVIDING NOTICE TO A LOBBYIST'S EMPLOYER IF A LOBBYIST HAS
SERVED AS A LEGISLATOR IN THE PAST TWO YEARS; PROVIDING A
PENALTY.

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

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

"[NEW MATERIAL] RESTRICTION ON LOBBYING BY STATE

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1 LEGISLATORS--PENALTY.--

2 A. A former state legislator shall not accept
3 compensation as a lobbyist for a period of two years after the
4 conclusion of the former state legislator's term of office.

5 B. A lobbyist's employer shall not compensate a
6 former state legislator as a lobbyist for a period of two years
7 after the conclusion of the former state legislator's term of
8 office.

9 C. A person who violates a provision of this
10 section shall be subject to the penalties of the Lobbyist
11 Regulation Act."

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

14 "2-11-3. REGISTRATION STATEMENT TO BE FILED--CONTENTS--
15 MODIFICATION TO STATEMENT.--

16 A. In the month of January prior to each regular
17 session or before any service covered by the Lobbyist
18 Regulation Act commences, any individual who is initially
19 employed or retained as a lobbyist shall register with the
20 secretary of state by paying an annual filing fee of fifty
21 dollars (\$50.00) for each of the lobbyist's employers and by
22 filing a single registration statement under oath in an
23 electronic format as prescribed by the secretary of state that
24 states:

25 (1) the lobbyist's full name, permanent

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1 business address and business address while lobbying; ~~and~~

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

4 (3) whether the lobbyist has served as a state
 5 legislator in the past two years.

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

16 C. Upon receipt of the online registration and
 17 payment, the secretary of state shall publish the registration
 18 information on the secretary of state's lobbying disclosure
 19 website, and for a lobbyist who indicated in the registration
 20 statement that the lobbyist has served as a state legislator in
 21 the past two years, the secretary of state shall notify the
 22 lobbyist's employers.

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

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

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

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

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

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

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

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

5 SECTION 3. APPLICABILITY.--The provisions of this act
6 apply to all persons who hold the office of state legislator on
7 or after July 1, 2023.

8 SECTION 4. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2023.

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