

1 SENATE BILL 248

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Harold Pope and Natalie Figueroa

5
6
7
8
9
10 AN ACT

11 RELATING TO LOBBYISTS; AMENDING THE LOBBYIST REGULATION ACT;
12 PROVIDING DEFINITIONS; EXPANDING EXPENDITURE REPORT
13 REQUIREMENTS.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 2-11-2 NMSA 1978 (being Laws 1977,
17 Chapter 261, Section 2, as amended) is amended to read:

18 "2-11-2. DEFINITIONS.--As used in the Lobbyist Regulation
19 Act:

20 A. "beneficial client" means the specific
21 individual or organization on whose behalf or at whose request
22 or behest lobbying is conducted;

23 B. "beneficiary" means the individual or
24 individuals who directly benefited or otherwise gained from an
25 expenditure;

.229935.2SA

underscored material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 ~~[A.]~~ C. "compensation" means any money, per diem,
2 salary, fee or portion thereof or the equivalent in services
3 rendered or in-kind contributions received or to be received in
4 return for lobbying services performed or to be performed;

5 D. "contractual client" means the individual or
6 organization that retains the services of a lobbyist for the
7 benefit of itself or another;

8 ~~[B.]~~ E. "expenditure" means a payment, transfer or
9 distribution or obligation or promise to pay, transfer or
10 distribute any money or other thing of value, but does not
11 include a lobbyist's own personal living expenses and the
12 expenses incidental to establishing and maintaining an office
13 in connection with lobbying activities or compensation paid to
14 a lobbyist by a lobbyist's employer;

15 F. "legislation" means a bill, resolution,
16 amendment, nomination or other matter pending in either house
17 of the legislature; any matter that is or may be the subject of
18 action by either house or by a legislative committee, including
19 the introduction, consideration, passage, defeat, approval or
20 veto of the matter; or any matter pending in a constitutional
21 convention or that may be the subject of action by a
22 constitutional convention;

23 ~~[C.]~~ G. "legislative committee" means a committee
24 created by the legislature, including interim and standing
25 committees of the legislature;

.229935.2SA

underscoring material = new
[bracketed material] = delete

1 ~~[D.]~~ H. "lobbying" means attempting to influence:

2 (1) a decision related to any matter to be
3 considered or being considered by the legislative branch of
4 state government or any legislative committee or any
5 legislative matter requiring action by the governor or awaiting
6 action by the governor; or

7 (2) an official action;

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

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

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

20 (3) an employee of the state or its political
21 subdivisions, specifically designated by an elected or
22 appointed officer of the state or its political subdivision,
23 who appears before a legislative committee or in a rulemaking
24 proceeding only to explain the effect of legislation or a rule
25 on ~~[his]~~ the designated employee's agency or political

.229935.2SA

underscoring material = new
~~[bracketed material] = delete~~

1 subdivision, provided the elected or appointed officer of the
2 state or its political subdivision keeps for public inspection
3 and files with the secretary of state such designation;

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

8 (5) a member of the legislature, the staff of
9 ~~[any]~~ a member of the legislature or the staff of ~~[any]~~ a
10 legislative committee when addressing legislation;

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

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

20 (8) a publisher, owner or employee of the
21 print media, radio or television, while gathering or
22 disseminating news or editorial comment to the general public
23 in the ordinary course of business;

24 ~~[F.]~~ J. "lobbyist's employer" means the person
25 whose interests are being represented and by whom a lobbyist is

.229935.2SA

underscoring material = new
~~[bracketed material]~~ = delete

1 directly or indirectly retained, compensated or employed;

2 ~~[G.]~~ K. "official action" means the action or
3 nonaction of a state official or state agency, board or
4 commission acting in a rulemaking proceeding;

5 L. "payee" means the vendor, service provider or
6 entity to whom payment was made for an expenditure;

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

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

19 ~~[J.]~~ O. "prescribed form" means a form prepared and
20 prescribed by the secretary of state;

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

.229935.2SA

underscored material = new
[bracketed material] = delete

1 ~~[E.]~~ Q. "state public officer" means a person
2 holding a statewide office provided for in the constitution of
3 New Mexico."

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

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

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

21 (1) ~~[the cumulative total of all individual~~
22 ~~expenditures of less than one hundred dollars (\$100) made or~~
23 ~~incurred by the employer or lobbyist during the covered~~
24 ~~reporting period, separated into the following categories:~~

25 ~~(a) meals and beverages;~~

.229935.2SA

underscored material = new
[bracketed material] = delete

1 monitoring; and 3) if the lobbying expenditure is not related
2 to specific legislation, a statement to that effect and a
3 description of the reason for the lobbying activity; and

4 (g) the amount spent and a description
5 of the expenditure;

6 [~~(3)~~] (2) each political contribution made and
7 whether the contribution is from the [~~lobbyist's employer~~]
8 beneficial client or the lobbyist on the lobbyist's own behalf,
9 identified by amount, date and name of the candidate or ballot
10 issue supported or opposed; and

11 [~~(4)~~] (3) the names, addresses, employers and
12 occupations of other contributors and the amounts of their
13 separate political contributions if the lobbyist or lobbyist's
14 employer delivers directly or indirectly separate contributions
15 from those contributors to a candidate, a campaign committee or
16 anyone authorized by a candidate to receive funds on the
17 candidate's behalf.

18 B. The expenditure report shall be filed
19 electronically and shall be electronically authenticated by the
20 lobbyist or the lobbyist's employer using an electronic
21 signature as prescribed by the secretary of state in
22 conformance with the Electronic Authentication of Documents Act
23 and the Uniform Electronic Transactions Act. For the purposes
24 of the Lobbyist Regulation Act, a report that is electronically
25 authenticated in accordance with the provisions of this

.229935.2SA

underscored material = new
~~[bracketed material] = delete~~

1 subsection shall be deemed to have been subscribed and sworn to
2 by the lobbyist or the lobbyist's employer that is required to
3 file the report.

4 C. In identifying expenditures pursuant to the
5 provisions of ~~[Paragraphs]~~ Paragraph (1) ~~[and (2)]~~ of
6 Subsection A of this section, in the case of special events,
7 including parties, dinners, athletic events, entertainment and
8 other functions, to which all members of the legislature, to
9 which all members of either house or any legislative committee
10 or to which all members of a board or commission are invited,
11 expenses need not be allocated to each individual who attended,
12 but the date, location, name of the body invited and total
13 expenses incurred shall be reported.

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

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

21 (1) no later than January 15 for all
22 expenditures and political contributions made or incurred
23 during the preceding year and not previously reported;

24 (2) within forty-eight hours for each separate
25 expenditure made or incurred during a legislative session that

.229935.2SA

underscoring material = new
~~[bracketed material]~~ = delete

1 was for five hundred dollars (\$500) or more;

2 (3) no later than the first Wednesday after
3 the first Monday in May for all expenditures and political
4 contributions made or incurred through the first Monday in May
5 of the current year and not previously reported; and

6 (4) no later than the first Wednesday after
7 the first Monday in October for all expenditures and political
8 contributions made or incurred through the first Monday in
9 October of the current year and not previously reported.

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

14 G. A lobbyist or lobbyist's employer shall obtain
15 and preserve all records, accounts, bills, receipts, books,
16 papers and documents necessary to substantiate the financial
17 statements required to be made under the Lobbyist Regulation
18 Act for a period of two years from the date of filing of the
19 report containing such items. When the lobbyist is required
20 under the terms of the lobbyist's employment to turn over any
21 such records to the lobbyist's employer, responsibility for the
22 preservation of them as required by this section and the filing
23 of reports required by this section shall rest with the
24 employer. Such records shall be made available to the
25 secretary of state or attorney general upon written request.

.229935.2SA

underscored material = new
~~[bracketed material] = delete~~

1 H. A lobbyist's employer who also engages in
2 lobbying shall also comply with the provisions of this section.
3 A lobbyist and the lobbyist's employer shall coordinate their
4 reporting to ensure that the contributions and expenditures
5 that each have reported are not duplicative.

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