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SENATE BILL 68

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Dede Feldman

AN ACT

RELATING TO LOBBYIST REGULATION; CHANGING THE DEFINITION OF  
"LOBBYING" AND "LOBBYIST" IN THE LOBBYIST REGULATION ACT.

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

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

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

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

B. "expenditure" means a payment, transfer or  
distribution or obligation or promise to pay, transfer or  
distribute any money or other thing of value, but does not

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1 include a lobbyist's own personal living expenses and the  
2 expenses incidental to establishing and maintaining an office  
3 in connection with lobbying activities or compensation paid to  
4 a lobbyist by a lobbyist's employer;

5 C. "legislative committee" means a committee  
6 created by the legislature, including interim and standing  
7 committees of the legislature;

8 D. "lobbying" means attempting to influence:

9 (1) a decision related to any matter to be  
10 considered or being considered by a state public officer, a  
11 department secretary, the ~~[legislative branch of state~~  
12 ~~government]~~ legislature or any legislative committee ~~[or any~~  
13 ~~legislative matter requiring action by the governor or awaiting~~  
14 ~~action by the governor]; or~~

15 (2) an official action;

16 E. "lobbyist" means any individual who ~~[is~~  
17 ~~compensated for the specific purpose of]~~ receives compensation  
18 for lobbying ~~[is designated by an interest group or~~  
19 ~~organization to represent it on a substantial or regular basis~~  
20 ~~for the purpose of lobbying; or in the course of his~~  
21 ~~employment, is engaged in lobbying on a substantial or regular~~  
22 ~~basis]~~. "Lobbyist" does not include:

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

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

4 (3) an employee of the state or its political  
5 subdivisions, specifically designated by an elected or  
6 appointed officer of the state or its political subdivision,  
7 who appears before a legislative committee or in a rulemaking  
8 proceeding only to explain the effect of legislation or a rule  
9 on [~~his~~] the designated employee's agency or political  
10 subdivision, provided the elected or appointed officer of the  
11 state or its political subdivision keeps for public inspection  
12 and files with the secretary of state such designation;

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

17 (5) a member of the legislature, the staff of  
18 any member of the legislature or the staff of any legislative  
19 committee when addressing legislation;

20 (6) [~~any~~] a witness called by a legislative  
21 committee or administrative agency to appear before that  
22 legislative committee or agency in connection with legislation  
23 or an official action;

24 (7) an individual who provides only oral or  
25 written public testimony in connection with a legislative

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1 committee or in a rulemaking proceeding and whose name and the  
2 interest on behalf of which [~~he~~] the individual testifies have  
3 been clearly and publicly identified; or

4 (8) a publisher, owner or employee of the  
5 print media, radio or television, while gathering or  
6 disseminating news or editorial comment to the general public  
7 in the ordinary course of business;

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

11 G. "official action" means the action or nonaction  
12 of a state official, or state agency, board or commission,  
13 acting in a rulemaking proceeding;

14 H. "person" means an individual, partnership,  
15 association, committee, federal, state or local governmental  
16 entity or agency, however constituted, public or private  
17 corporation or any other organization or group of persons who  
18 are voluntarily acting in concert;

19 I. "political contribution" means a gift,  
20 subscription, loan, advance or deposit of [~~any~~] money or other  
21 thing of value, including the estimated value of an in-kind  
22 contribution, that is made or received for the purpose of  
23 influencing a primary, general or statewide election, including  
24 a constitutional or other question submitted to the voters, or  
25 for the purpose of paying a debt incurred in any such election;

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

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

L. "state public officer" means a person holding a statewide office provided for in Article 5, Section 1 of the constitution of New Mexico."