

Opinion No. 87-12

March 16, 1987

OPINION OF: HAL STRATTON, Attorney General

BY: Scott D. Spencer, Assistant Attorney General

TO: Mr. Hoyt Clifton, Director, Bureau of Elections, Office of the Secretary of State, Legislative Executive Building - Room 400, Santa Fe, New Mexico 87503

QUESTIONS

Whether a lobbyist registered during the regular session of the Legislature must again register if a special session is called.

CONCLUSIONS

Yes.

ANALYSIS

Article IV, section 5 of the New Mexico Constitution provides that each regular session of the Legislature convening in an odd numbered year shall remain in session not to exceed 60 days, and that no special session shall exceed 30 days. Article IV, section 14 provides that on the day of final adjournment, both Houses must adjourn at 12:00 noon. Article IV, section 6 provides for special sessions. Section 2-11-3 NMSA 1978 provides in part as follows:

In the month of January prior to each regular session or the fourteen days immediately preceding any special session of the legislature or before any service covered by the Lobbyist Regulation Act [2-11-1 through 2-11-9 NMSA 1978] commences, any individual who is employed or retained as a lobbyist shall register with the secretary of state...

Both the Constitution and Section 2-11-3 NMSA 1978 distinguish between regular sessions and special sessions of the legislature. It is our opinion that a lobbyist registered during any general session must re-register within the 14 days immediately preceding any special session, or before commencing any lobbying activities, regardless when the special session is set to begin. Lobbyists registered for the general session may not continue to lobby after 12:00 noon on the last day of the session without re-registering for the special session. Lobbyists registering for the special session who have not registered for the general session may not lobby before the beginning of the special session.

Respectfully submitted,

ATTORNEY GENERAL

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