

1 HOUSE JOINT RESOLUTION 15  
2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY  
4 Zachary J. Cook and Peter Wirth  
5  
6  
7  
8  
9

10 A JOINT RESOLUTION  
11 PROPOSING AN AMENDMENT TO ARTICLE 5 OF THE CONSTITUTION OF NEW  
12 MEXICO TO CREATE AN INDEPENDENT STATE ETHICS COMMISSION TO  
13 OVERSEE THE CONDUCT OF STATE OFFICERS AND EMPLOYEES IN THE  
14 EXECUTIVE AND LEGISLATIVE BRANCHES OF GOVERNMENT, GOVERNMENT  
15 CONTRACTORS AND LOBBYISTS.  
16

17 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. It is proposed to amend Article 5 of the  
19 constitution of New Mexico by adding a new section to read:

20 "A. The "state ethics commission" is created as an  
21 independent state agency under the direction of eleven  
22 commissioners, no more than five of whom may be members of the  
23 same political party, appointed as follows:

24 (1) five commissioners appointed by the  
25 governor, no more than two of whom shall be of the same

.199377.2

underscored material = new  
[bracketed material] = delete

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

1 political party and at least one commissioner appointed from  
2 each congressional district;

3 (2) one commissioner appointed by the  
4 president pro tempore of the senate;

5 (3) one commissioner appointed by the minority  
6 floor leader of the senate;

7 (4) one commissioner appointed by the speaker  
8 of the house of representatives;

9 (5) one commissioner appointed by the minority  
10 floor leader of the house of representatives; and

11 (6) two commissioners appointed by the chief  
12 justice of the supreme court, who shall be licensed attorneys  
13 and who shall not be of the same political party and shall not  
14 be appointed from the same congressional district.

15 B. Commissioners shall be appointed for staggered  
16 terms of four years beginning July 1, 2017. The commissioners  
17 appointed by the governor shall draw lots to determine which  
18 three commissioners will serve an initial term of two years and  
19 which two commissioners will serve an initial term of four  
20 years. The commissioners appointed by the legislature shall  
21 serve an initial term of three years and those appointed by the  
22 chief justice shall serve an initial term of four years;  
23 thereafter, all commissioners shall be appointed for four-year  
24 terms. Members shall serve until their successors are  
25 appointed and qualified.

.199377.2

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

1 C. A person shall not serve as a commissioner for  
2 more than two consecutive terms. A vacancy on the state ethics  
3 commission shall be filled by appointment by the original  
4 appointing authority for the remainder of the unexpired term.

5 D. No action shall be taken by the state ethics  
6 commission unless at least six members concur.

7 E. A commissioner may be removed only for  
8 incompetence, neglect of duty or malfeasance in office. A  
9 proceeding for the removal of a commissioner may be commenced  
10 by the state ethics commission or by the attorney general upon  
11 the request of the commission. The supreme court has exclusive  
12 jurisdiction over proceedings to remove commissioners, and its  
13 decision shall be final. A commissioner shall be given notice  
14 of hearing and an opportunity to be heard before the  
15 commissioner is removed.

16 F. The state ethics commission shall receive an  
17 annual appropriation by the legislature sufficient to enable it  
18 to perform its duties.

19 G. The state ethics commission shall employ an  
20 executive director, who shall be a licensed attorney in the  
21 state, and other staff as necessary to fulfill its duties. The  
22 executive director shall receive a salary that is equal to the  
23 salary of a district court judge.

24 H. The state ethics commission shall:

25 (1) receive, initiate and investigate

.199377.2

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

1 complaints alleging violations:

2 (a) by state officials or employees in  
3 the executive or legislative branch of government of laws  
4 imposing standards of ethical conduct on state officials and  
5 employees;

6 (b) of laws imposing campaign finance  
7 restrictions or reporting requirements for candidates and other  
8 participants in campaigns for state or county elected offices;

9 (c) of registration requirements or  
10 standards of conduct for lobbyists; and

11 (d) of disclosure requirements or  
12 standards of conduct for state contractors or seekers of state  
13 contracts;

14 (2) administer the provisions of laws  
15 described in Paragraph (1) of this subsection;

16 (3) promulgate rules necessary to implement  
17 and administer the provisions of this section;

18 (4) issue subpoenas requiring the attendance  
19 of witnesses or the production of books, records, documents or  
20 other evidence relevant to an investigation; and

21 (5) have such other powers and duties and  
22 administer or enforce such other acts as the legislature by law  
23 so provides."

24 SECTION 2. The amendment proposed by this resolution  
25 shall be submitted to the people for their approval or

.199377.2

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

1 rejection at the next general election or at any special  
2 election prior to that date that may be called for that  
3 purpose.

4 - 5 -  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25