

1 AN ACT

2 RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
3 ENACTING THE STATE ETHICS COMMISSION ACT; PROVIDING FOR AN
4 EXECUTIVE DIRECTOR; PROVIDING FOR ANNUAL ETHICS TRAINING AND
5 THE PUBLICATION OF ETHICS GUIDES; REQUIRING THE DEVELOPMENT
6 OF A PROPOSED ETHICS CODE; PROVIDING FOR THE ISSUANCE OF
7 ADVISORY OPINIONS; PROVIDING FOR THE FILING OF COMPLAINTS
8 AGAINST CERTAIN PUBLIC OFFICIALS, PUBLIC EMPLOYEES,
9 CANDIDATES AND PERSONS SUBJECT TO THE CAMPAIGN REPORTING ACT,
10 GOVERNMENT CONTRACTORS, LOBBYISTS AND OTHERS FOR ETHICS
11 VIOLATIONS; PROVIDING FOR INVESTIGATIONS AND HEARINGS;
12 GRANTING SUBPOENA POWERS; PROHIBITING RETALIATION;
13 PROHIBITING CERTAIN CANDIDATES AND STATE OFFICERS FROM
14 SOLICITING CONTRIBUTIONS DURING A PROHIBITED PERIOD;
15 PROVIDING PENALTIES.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. SHORT TITLE.--Sections 1 through 16 of this
19 act may be cited as the "State Ethics Commission Act".

20 SECTION 2. DEFINITIONS.--As used in the State Ethics
21 Commission Act:

22 A. "commission" means the state ethics commission;

23 B. "commissioner" means a member of the
24 commission;

25 C. "complainant" means a person who files a

1 verified complaint with the commission;

2 D. "complaint" means a complaint that has been
3 signed by the complainant and the complainant attests under
4 oath and subject to penalty of perjury before a notary public
5 that the information in the complaint, and any attachments
6 provided with the complaint, are true and accurate;

7 E. "director" means the executive director of the
8 commission;

9 F. "government contractor" means a person who has
10 a contract with a public agency or who has submitted a
11 competitive sealed proposal or competitive sealed bid for a
12 contract with a public agency;

13 G. "legislative body" means the house of
14 representatives or the senate;

15 H. "lobbyist" means a person who is required to
16 register as a lobbyist pursuant to the provisions of the
17 Lobbyist Regulation Act;

18 I. "political party" means a political party that
19 has been qualified in accordance with the provisions of the
20 Election Code;

21 J. "public agency" means any department,
22 commission, council, board, committee, agency or institution
23 of the executive or legislative branch of government of the
24 state or any instrumentality of the state, including the
25 New Mexico mortgage finance authority, the New Mexico finance

1 authority, the New Mexico exposition center authority, the
2 New Mexico hospital equipment loan council and the New Mexico
3 renewable energy transmission authority;

4 K. "public employee" means an employee of a public
5 agency;

6 L. "public official" means a person elected to an
7 office of the executive or legislative branch of the state or
8 a person appointed to a public agency; and

9 M. "respondent" means a person against whom a
10 complaint has been filed with or by the commission.

11 SECTION 3. STATE ETHICS COMMISSION CREATED--
12 MEMBERSHIP--TERMS--REMOVAL.--

13 A. The "state ethics commission", as created in
14 Article 5, Section 17 of the constitution of New Mexico, is
15 composed of seven commissioners, appointed as follows:

16 (1) one commissioner appointed by the
17 speaker of the house of representatives;

18 (2) one commissioner appointed by the
19 minority floor leader of the house of representatives;

20 (3) one commissioner appointed by the
21 president pro tempore of the senate;

22 (4) one commissioner appointed by the
23 minority floor leader of the senate;

24 (5) two commissioners appointed by the four
25 legislatively appointed commissioners; and

1 (6) one commissioner appointed by the
2 governor, who shall be a retired judge and who shall chair
3 the commission.

4 B. No more than three members of the commission
5 may be members of the same political party.

6 C. The appointing authorities shall give due
7 regard to the cultural diversity of the state and to
8 achieving geographical representation from across the state.
9 Each appointing authority shall file letters of appointment
10 with the secretary of state.

11 D. Commissioners shall be appointed for staggered
12 terms of four years beginning July 1, 2019. The initial
13 commissioners appointed by the speaker of the house of
14 representatives and senate minority floor leader shall serve
15 an initial term of four years; members appointed by the
16 president pro tempore of the senate and house minority floor
17 leader shall serve an initial term of two years; members
18 appointed by the legislatively appointed members shall serve
19 an initial term of one year; and the member appointed by the
20 governor shall serve an initial term of three years. Members
21 shall serve until their successors are appointed and
22 qualified.

23 E. A person shall not serve as a commissioner for
24 more than two consecutive four-year terms.

25 F. When any member of the commission dies, resigns

1 or no longer has the qualifications required for the
2 commissioner's original selection, the commissioner's
3 position on the commission becomes vacant. The director
4 shall notify the original appointing authority of the vacant
5 position. The original appointing authority shall select a
6 successor in the same manner as the original selection was
7 made. A vacancy shall be filled by appointment by the
8 original appointing authority no later than sixty days
9 following notification of a vacancy for the remainder of the
10 unexpired term. A vacancy on the commission shall be filled
11 by appointment by the original appointing authority for the
12 remainder of the unexpired term.

13 G. The commission shall meet as necessary to carry
14 out its duties pursuant to the State Ethics Commission Act.
15 Commissioners are entitled to receive per diem and mileage as
16 provided in the Per Diem and Mileage Act and shall receive no
17 other compensation, perquisite or allowance.

18 H. Four commissioners consisting of two members of
19 the largest political party in the state and two members of
20 the second largest political party in the state constitute a
21 quorum for the transaction of business. No action shall be
22 taken by the commission unless at least four members,
23 including at least two members of the largest political party
24 in the state and two members of the second largest political
25 party in the state, concur.

1 I. A commissioner may be removed only for
2 incompetence, neglect of duty or malfeasance in office. A
3 proceeding for the removal of a commissioner may be commenced
4 by the commission or by the attorney general upon the request
5 of the commission. A commissioner shall be given notice of
6 hearing and an opportunity to be heard before the
7 commissioner is removed. The supreme court has original
8 jurisdiction over proceedings to remove commissioners, and
9 its decision shall be final. A commissioner is also liable
10 to impeachment pursuant to Article 4, Section 36 of the
11 constitution of New Mexico.

12 SECTION 4. COMMISSIONERS--QUALIFICATIONS--
13 LIMITATIONS.--

14 A. To qualify for appointment to the commission, a
15 person shall:

- 16 (1) be a qualified elector of New Mexico;
17 (2) not have changed party registration in
18 the five years next preceding the member's appointment in
19 such a manner that the member's prior party registration
20 would make the member ineligible to serve on the commission;
21 (3) not continue to serve as a commissioner
22 if the member changes party registration after the date of
23 appointment in such a manner as to make the member ineligible
24 to serve on the commission; and
25 (4) not be, or within the two years prior to

1 appointment shall not have been, in New Mexico, any of the
2 following:

- 3 (a) a public official;
- 4 (b) a public employee;
- 5 (c) a candidate;
- 6 (d) a lobbyist;
- 7 (e) a government contractor; or
- 8 (f) an office holder in a political
9 party at the state or federal level.

10 B. Before entering upon the duties of the office
11 of commissioner, each commissioner shall review the State
12 Ethics Commission Act and other laws and rules pertaining to
13 the commission's responsibilities and to ethics and
14 governmental conduct in New Mexico. Each commissioner shall
15 take the oath of office as provided in Article 20, Section 1
16 of the constitution of New Mexico.

17 C. For a period of one calendar year following a
18 commissioner's tenure or following the resignation or removal
19 of a commissioner, the commissioner shall not:

20 (1) represent a respondent, unless appearing
21 on the commissioner's own behalf; or

22 (2) accept employment or otherwise provide
23 services to a respondent unless the commissioner accepted
24 employment or provided services prior to the filing of a
25 complaint against the respondent.

1 D. During a commissioner's tenure, a commissioner
2 shall not hold another public office or be:

- 3 (1) a public employee;
- 4 (2) a candidate;
- 5 (3) a lobbyist;
- 6 (4) a government contractor; or
- 7 (5) an office holder in a political party at
8 the state or federal level.

9 E. A commissioner who changes political party
10 affiliation in violation of the provisions of Subsection A of
11 this section or who chooses to seek or hold an office in
12 violation of Subsection D of this section shall resign from
13 the commission or be deemed to have resigned.

14 SECTION 5. COMMISSION--DUTIES AND POWERS.--

15 A. The commission shall:

- 16 (1) employ an executive director, who shall
17 be an attorney, upon approval of at least five commissioners;
- 18 (2) develop, adopt and promulgate the rules
19 necessary for it to implement and administer the provisions
20 of the State Ethics Commission Act; and
- 21 (3) establish qualifications for hearing
22 officers and rules for hearing procedures and appeals.

23 B. Beginning January 1, 2020, the commission
24 shall:

- 25 (1) receive and investigate complaints

1 alleging ethics violations against public officials, public
2 employees, candidates, persons subject to the Campaign
3 Reporting Act, government contractors, lobbyists and
4 lobbyists' employers;

5 (2) hold hearings in appropriate cases to
6 determine whether there has been an ethics violation;

7 (3) compile, index, maintain and provide
8 public access to all advisory opinions and reports required
9 to be made public pursuant to the State Ethics Commission
10 Act;

11 (4) draft a proposed code of ethics for
12 public officials and public employees and submit the proposed
13 code to each elected public official and public agency for
14 adoption; and

15 (5) submit an annual report of its
16 activities, including any recommendations regarding state
17 ethics laws or the scope of its powers and duties, in
18 December of each year to the legislature and the governor.

19 C. Beginning January 1, 2020, the commission may:

20 (1) by approval of at least five
21 commissioners, initiate complaints alleging ethics violations
22 against a public official, public employee, candidate, person
23 subject to the Campaign Reporting Act, government contractor,
24 lobbyist or lobbyist's employer;

25 (2) petition a district court to issue

1 subpoenas under seal requiring the attendance of witnesses
2 and the production of books, records, documents or other
3 evidence relevant or material to an investigation;

4 (3) issue advisory opinions in accordance
5 with the provisions of the State Ethics Commission Act;

6 (4) compile, adopt, publish and make
7 available to all public officials, public employees,
8 government contractors and lobbyists an ethics guide that
9 clearly and plainly explains the ethics requirements set
10 forth in state law, including those that relate to conducting
11 business with the state and public agencies; and

12 (5) offer annual ethics training to public
13 officials, public employees, government contractors,
14 lobbyists and other interested persons.

15 SECTION 6. EXECUTIVE DIRECTOR--APPOINTMENT--DUTIES AND
16 POWERS.--

17 A. The commission shall appoint an executive
18 director who shall be knowledgeable about state ethics laws
19 and who shall be appointed without reference to party
20 affiliation and solely on the grounds of fitness to perform
21 the duties of the office. The director shall hold office
22 from the date of appointment until such time as the director
23 is removed by the commission.

24 B. The director shall:

25 (1) take the oath of office required by

1 Article 20, Section 1 of the constitution of New Mexico;

2 (2) hire a general counsel who may serve for
3 no more than five years, unless rehired for up to an
4 additional five years;

5 (3) hire additional personnel as may be
6 necessary to carry out the duties of the commission;

7 (4) prepare an annual budget for the
8 commission and submit it to the commission for approval;

9 (5) make recommendations to the commission
10 of proposed rules or legislative changes needed to provide
11 better administration of the State Ethics Commission Act;

12 (6) perform other duties as assigned by the
13 commission; and

14 (7) be required to reapply for the position
15 after six years of service and may serve as director for no
16 more than twelve years.

17 C. The director may:

18 (1) enter into contracts and agreements on
19 behalf of the commission; and

20 (2) have the general counsel administer
21 oaths and take depositions subject to the Rules of Civil
22 Procedure for the District Courts.

23 D. For a period of one calendar year immediately
24 following termination of the director's employment with the
25 commission, the director shall not:

1 (1) represent a respondent, unless appearing
2 on the director's own behalf; or

3 (2) accept employment or otherwise provide
4 services to a respondent, unless the director accepted
5 employment or provided services prior to the filing of a
6 complaint against the respondent.

7 SECTION 7. RECUSAL AND DISQUALIFICATION OF A
8 COMMISSIONER.--

9 A. A commissioner may recuse from a particular
10 matter.

11 B. A commissioner shall recuse from any matter in
12 which the commissioner is unable to make a fair and impartial
13 decision or in which there is a reasonable doubt about
14 whether the commissioner can make a fair and impartial
15 decision, including:

16 (1) when the commissioner has a personal
17 bias or prejudice concerning a party to the proceeding or has
18 prejudged a disputed evidentiary fact involved in a
19 proceeding prior to a hearing. For the purposes of this
20 paragraph, "personal bias or prejudice" means a
21 predisposition toward a person based on a previous or ongoing
22 relationship that renders the commissioner unable to exercise
23 the commissioner's functions impartially;

24 (2) when the commissioner has a pecuniary
25 interest in the outcome of the matter; or

1 (3) when in previous employment the
2 commissioner served as an attorney, adviser, consultant or
3 witness in the matter in controversy.

4 C. A party to the proceeding may request the
5 recusal of a commissioner and shall provide the commission
6 with the grounds for the request. If the commissioner
7 declines to recuse upon request of a party to the proceeding,
8 the commissioner shall provide a full explanation in support
9 of the refusal to recuse.

10 D. A party may appeal a commissioner's refusal to
11 recuse, or if the propriety of a commissioner's participation
12 in a particular matter is otherwise questioned, the issue
13 shall be decided by a majority of the other commissioners
14 present and voting.

15 E. A disqualified commissioner shall not
16 participate in any proceedings with reference to the matter
17 from which the commissioner is disqualified or recused, and
18 the commissioner shall be excused from that portion of any
19 meeting at which the matter is discussed.

20 F. Minutes of commission meetings shall record the
21 name of any commissioner not voting on a matter by reason of
22 disqualification or recusal.

23 G. If two or more commissioners have recused
24 themselves or are disqualified from participating in a
25 proceeding, the remaining commissioners shall appoint

1 temporary commissioners to participate in that proceeding.
2 Appointments of temporary commissioners shall be made by a
3 majority vote of the remaining commissioners in accordance
4 with the political affiliation and geographical
5 representation requirements and the qualifications set forth
6 in the State Ethics Commission Act.

7 H. The commission shall promulgate rules for the
8 recusal and disqualification of commissioners, for an appeal
9 of a recusal decision and for the appointment of temporary
10 commissioners.

11 SECTION 8. ADVISORY OPINIONS.--

12 A. The commission may issue advisory opinions on
13 matters related to ethics. Advisory opinions shall:

14 (1) be requested in writing by a public
15 official, public employee, candidate, person subject to the
16 Campaign Reporting Act, government contractor, lobbyist or
17 lobbyist's employer;

18 (2) identify a specific set of circumstances
19 involving an ethics issue;

20 (3) be issued within sixty days of receipt
21 of the request unless the commission notifies the requester
22 of a delay in issuance and continues to notify the requester
23 every thirty days until the advisory opinion is issued; and

24 (4) be published after omitting the
25 requester's name and identifying information.

1 B. A request for an advisory opinion shall be
2 confidential and not subject to the provisions of the
3 Inspection of Public Records Act.

4 C. Unless amended or revoked, an advisory opinion
5 shall be binding on the commission in any subsequent
6 commission proceedings concerning a person who acted in good
7 faith and in reasonable reliance on the advisory opinion.

8 SECTION 9. COMMISSION JURISDICTION--COMPLIANCE
9 PROVISIONS.--

10 A. The commission has jurisdiction to enforce the
11 applicable civil compliance provisions for public officials,
12 public employees, candidates, persons subject to the Campaign
13 Reporting Act, government contractors, lobbyists and
14 lobbyists' employers of:

- 15 (1) the Campaign Reporting Act;
- 16 (2) the Financial Disclosure Act;
- 17 (3) the Gift Act;
- 18 (4) the Lobbyist Regulation Act;
- 19 (5) the Voter Action Act;
- 20 (6) the Governmental Conduct Act;
- 21 (7) the Procurement Code;
- 22 (8) the State Ethics Commission Act; and
- 23 (9) Article 9, Section 14 of the
24 constitution of New Mexico.

25 B. All complaints filed with a public agency

1 regarding the statutes listed in Subsection A of this section
2 shall be forwarded to the commission.

3 C. The commission may choose to act on some or all
4 aspects of a complaint and forward other aspects of a
5 complaint to another state or federal agency with
6 jurisdiction over the matter in accordance with Subsection E
7 of this section.

8 D. If the commission decides not to act on a
9 complaint, whether the complaint was filed with the
10 commission or forwarded from another public agency, or
11 decides only to act on part of a complaint, the commission
12 shall promptly forward the complaint, or any part of a
13 complaint on which it does not wish to act, to the public
14 agency that has appropriate jurisdiction within ten days of
15 the decision. The complainant and respondent shall be
16 notified in writing when the complainant's request has been
17 forwarded to another agency unless otherwise provided
18 pursuant to Subsection H of Section 10 of the State Ethics
19 Commission Act.

20 E. The commission may share jurisdiction with
21 other public agencies having authority to act on a complaint
22 or any aspect of a complaint. Such shared jurisdiction shall
23 be formalized through an agreement entered into by all
24 participating agencies involved with the complaint and the
25 director. The commission may also investigate a complaint

1 referred to the commission by the legislature, or a
2 legislative committee, in accordance with an agreement
3 entered into pursuant to policies of the New Mexico
4 legislative council or rules of the house of representatives
5 or senate.

6 F. The commission may file a court action to
7 enforce the civil compliance provisions of an act listed in
8 Subsection A of this section. The court action shall be
9 filed in the district court in the county where the
10 respondent resides.

11 SECTION 10. COMPLAINTS--INVESTIGATIONS--SUBPOENAS.--

12 A. A complaint of an alleged ethics violation
13 committed by a public official, public employee, candidate,
14 person subject to the Campaign Reporting Act, government
15 contractor, lobbyist, lobbyist's employer or a restricted
16 donor subject to the Gift Act may be filed with the
17 commission by a person who has actual knowledge of the
18 alleged ethics violation.

19 B. The complainant shall set forth in detail the
20 specific charges against the respondent and the factual
21 allegations that support the charges and shall sign the
22 complaint under penalty of false statement. The complainant
23 shall submit any evidence the complainant has that supports
24 the complaint. Evidence may include documents, records and
25 names of witnesses. The commission shall prescribe the forms

1 on which complaints are to be filed. The complaint form
2 shall be signed and sworn by the complainant and notarized.

3 C. Except as provided in Subsection H of this
4 section, the respondent shall be notified within seven days
5 of the filing of the complaint and offered an opportunity to
6 file a response on the merits of the complaint.

7 D. The director shall determine if the complaint
8 is subject to referral to another state agency pursuant to an
9 agreement or outside the jurisdiction of the commission, and
10 if so, promptly refer the complaint to the appropriate
11 agency. If the director determines that the complaint is
12 within the commission's jurisdiction, the director shall have
13 the general counsel initiate an investigation.

14 E. The general counsel shall conduct an
15 investigation to determine whether the complaint is frivolous
16 or unsubstantiated. If the general counsel determines that
17 the complaint is frivolous or unsubstantiated, the complaint
18 shall be dismissed, and the complainant and respondent shall
19 be notified in writing of the decision and reasons for the
20 dismissal. The commission shall not make public a complaint
21 that has been dismissed pursuant to this subsection or the
22 reasons for the dismissal.

23 F. If the general counsel and the respondent reach
24 a settlement on the matters of the complaint, the settlement
25 shall be submitted to the commission for its approval, and if

1 the matter has been resolved to the satisfaction of the
2 commission, the complaint and terms of the settlement shall
3 be subject to public disclosure.

4 G. If the general counsel determines that there is
5 probable cause, the director shall promptly notify the
6 respondent of the finding of probable cause and of the
7 specific allegations in the complaint that are being
8 investigated and that a public hearing will be set. If the
9 finding of probable cause involves a discriminatory practice
10 or actions by the respondent against the complainant, no
11 settlement agreement shall be reached without prior
12 consultation with the complainant. In any case, the
13 notification, complaint, specific allegations being
14 investigated and any response to the complaint shall be made
15 public thirty days following notice to the respondent.

16 H. Notwithstanding the provisions of Subsections C
17 and G of this section, the director may delay notifying a
18 respondent and complainant and releasing to the public the
19 complaint and related information required by Subsection G of
20 this section if it is deemed necessary to protect the
21 integrity of a criminal investigation. A decision whether to
22 delay notifying a respondent shall be taken by a majority
23 vote of the commission and shall be documented in writing
24 with reasonable specificity.

25 I. As part of an investigation, the general

1 counsel may administer oaths, interview witnesses and examine
2 books, records, documents and other evidence reasonably
3 related to the complaint. All testimony in an investigation
4 shall be under oath, and the respondent may be represented by
5 legal counsel. If the general counsel determines that a
6 subpoena is necessary to obtain the testimony of a person or
7 the production of books, records, documents or other
8 evidence, the director shall request that the commission
9 petition a district court to issue a subpoena.

10 J. The commission may petition the court for a
11 subpoena for the attendance and examination of witnesses or
12 for the production of books, records, documents or other
13 evidence reasonably related to an investigation. If a person
14 neglects or refuses to comply with a subpoena, the commission
15 may apply to a district court for an order enforcing the
16 subpoena and compelling compliance. All proceedings in the
17 district court prior to the complaint being made public
18 pursuant to Subsection G of this section, or upon entry of a
19 settlement agreement, shall be sealed. A case is
20 automatically unsealed upon notice by the commission to the
21 court that the commission has made the complaint public. No
22 later than July 1 of each even-numbered year, the chief
23 justice of the supreme court shall appoint an active or pro
24 tempore district judge to consider the issuance and
25 enforcement of subpoenas provided for in this section. The

1 appointment shall end on June 30 of the next even-numbered
2 year after appointment.

3 K. A public official or state public employee who
4 is a respondent who is subject to a complaint alleging a
5 violation made in the performance of the respondent's duties
6 shall be entitled to representation by the risk management
7 division of the general services department.

8 SECTION 11. STATUS OF INVESTIGATION--REPORTS TO
9 COMMISSION.--

10 A. If a hearing has not been scheduled concerning
11 the disposition of a complaint within ninety days after the
12 complaint is received, the director shall report to the
13 commission on the status of the investigation. The
14 commission may dismiss the complaint or instruct the director
15 to continue the investigation of the complaint. Unless the
16 commission dismisses the complaint, the director shall report
17 to the commission every ninety days thereafter on the status
18 of the investigation.

19 B. Upon dismissal of a complaint or a decision to
20 continue an investigation of a complaint, the commission
21 shall notify the complainant and respondent in writing of its
22 action. If the commission has not notified a respondent
23 pursuant to the provisions of Subsection G of Section 10 of
24 the State Ethics Commission Act, the commission shall vote on
25 whether to notify the respondent. A decision whether to

1 continue to delay notifying the respondent shall be taken by
2 a majority vote of a quorum of the commission and shall be
3 documented in writing with reasonable specificity.

4 SECTION 12. INVESTIGATION REPORT--COMMISSION HEARINGS--
5 DECISIONS AND REASONS GIVEN--DISCLOSURE OF AN ETHICS
6 VIOLATION.--

7 A. Upon receipt of the general counsel's
8 recommendation, the commission or hearing officer shall:

9 (1) dismiss a complaint and notify the
10 complainant and the respondent of the dismissal; or

11 (2) set a public hearing, as soon as
12 practicable.

13 B. At any time before or during a hearing provided
14 for in Subsection A of this section, the hearing officer may,
15 at a public meeting, approve a disposition of a complaint
16 agreed to by the general counsel and the respondent, as
17 approved by the commission.

18 C. The hearing provided for in Subsection A of
19 this section shall be pursuant to the rules of evidence that
20 govern proceedings in the state's courts and procedures
21 established by the commission. An audio recording shall be
22 made of the hearing. The respondent may be represented by
23 counsel. The parties may present evidence and testimony,
24 request the director to compel the presence of witnesses and
25 examine and cross-examine witnesses.

1 D. The hearing officer shall issue a written
2 decision that shall include the reasons for the decision. If
3 the hearing officer finds by a preponderance of the evidence
4 that the respondent's conduct constituted a violation, the
5 decision may include recommendations for disciplinary action
6 against the respondent, and the hearing officer may impose
7 any fines provided for by law. A finding of fraudulent or
8 willful misconduct shall require clear and convincing
9 evidence.

10 E. The complainant or respondent may appeal a
11 decision of the hearing officer within thirty days of the
12 decision to the full commission, which shall hear the matter
13 within sixty days of notice of the appeal and issue its
14 decision within 180 days.

15 F. The commission shall publicly disclose a
16 decision, including a dismissal following a finding of
17 probable cause or the terms of a settlement, issued pursuant
18 to this section. The commission shall provide the decision
19 to the complainant, the respondent and the:

20 (1) house of representatives if the
21 respondent is a public official who is subject to
22 impeachment;

23 (2) appropriate legislative body if the
24 respondent is a member of the legislature;

25 (3) respondent's appointing authority if the

1 respondent is an appointed public official;

2 (4) appropriate public agency if the
3 respondent is a public employee;

4 (5) public agency with which the respondent
5 has a government contract if the respondent is a government
6 contractor; and

7 (6) secretary of state and the respondent's
8 employer, if any, if the respondent is a lobbyist.

9 G. The commission shall produce a quarterly report
10 subject to public inspection containing the following
11 information:

12 (1) the number of complaints filed with and
13 referred to the commission;

14 (2) the disposition of the complaints; and

15 (3) the type of violation alleged in the
16 complaints.

17 SECTION 13. CONFIDENTIALITY OF RECORDS--PENALTY.--

18 A. A decision that a respondent's conduct
19 constituted a violation, and the terms of a settlement
20 approved by the commission, are public records. Pleadings,
21 motions, briefs and other documents or information related to
22 the decision are public records, except for information that
23 is confidential or protected pursuant to attorney-client
24 privilege, provider-patient privilege or state or federal
25 law.

1 B. If a complaint is determined to be frivolous,
2 unsubstantiated or outside the jurisdiction of the
3 commission, the complaint shall not be made public by the
4 commission; provided that the commission shall not prohibit
5 the complainant or respondent from releasing the commission's
6 decision or other information concerning the complaint.

7 C. Except as otherwise provided in the acts listed
8 in Section 9 of the State Ethics Commission Act, all
9 complaints, reports, files, records and communications
10 collected or generated by the commission, hearing officer,
11 general counsel or director that pertain to alleged
12 violations shall not be disclosed by the commission or any
13 commissioner, agent or employee of the commission, unless:

14 (1) disclosure is necessary to pursue an
15 investigation by the commission;

16 (2) disclosure is required pursuant to the
17 provisions of the State Ethics Commission Act; or

18 (3) they are offered into evidence by the
19 commission, respondent or another party at a judicial,
20 legislative or administrative proceeding, including a hearing
21 before a hearing officer.

22 D. Information and reports containing information
23 made confidential by law shall not be disclosed by the
24 commission or its director, staff or contractors.

25 E. A commissioner, director, staff or contractor

1 who knowingly discloses any confidential complaint, report,
2 file, record or communication in violation of the State
3 Ethics Commission Act is guilty of a petty misdemeanor.

4 SECTION 14. CRIMINAL VIOLATIONS--REFERRAL.--If the
5 commission finds at any time that a respondent's conduct
6 amounts to a criminal violation, the director shall consult
7 with the attorney general or an appropriate district
8 attorney, and the commission may refer the matter to the
9 attorney general or an appropriate district attorney. The
10 commission may provide the attorney general or district
11 attorney with all evidence collected during the commission's
12 investigation. Nothing in this section prevents the
13 commission from taking any action authorized by the State
14 Ethics Commission Act or deciding to suspend an investigation
15 pending resolution of any criminal charges.

16 SECTION 15. TIME LIMITATIONS ON JURISDICTION.--

17 A. The commission shall not accept or consider a
18 complaint unless the complaint is filed with the commission
19 within the later of two years from the date:

20 (1) on which the alleged conduct occurred;

21 or

22 (2) the alleged conduct could reasonably
23 have been discovered.

24 B. The commission shall not adjudicate a complaint
25 filed against a candidate, except pursuant to the Campaign

1 Reporting Act or Voter Action Act, less than sixty days
2 before a primary or general election. During that time
3 period, the commission may dismiss complaints that are
4 frivolous or unsubstantiated or refer complaints that are
5 outside the jurisdiction of the commission.

6 C. A complainant shall be notified in writing of
7 the provisions of this section and shall also be notified in
8 writing that the complainant may refer allegations of
9 criminal conduct to the attorney general or the appropriate
10 district attorney.

11 D. When commission action on a complaint is
12 suspended pursuant to the provisions of this section, the
13 respondent shall promptly be notified that a complaint has
14 been filed and of the specific allegations in the complaint
15 and the specific violations charged in the complaint.

16 SECTION 16. PROHIBITED ACTIONS.--

17 A. A person shall not take or threaten to take any
18 retaliatory, disciplinary or other adverse action against
19 another person who in good faith:

20 (1) files a verified complaint with the
21 commission that alleges a violation; or

22 (2) provides testimony, records, documents
23 or other information to the commission during an
24 investigation or at a hearing.

25 B. A complainant and a respondent shall not

1 communicate ex parte with any hearing officer, commissioner
2 or other person involved in a determination of the complaint.

3 C. Nothing in the State Ethics Commission Act
4 precludes civil or criminal actions for libel or slander or
5 other civil or criminal actions against a person who files a
6 false claim.

7 SECTION 17. Section 1-19-32 NMSA 1978 (being Laws 1979,
8 Chapter 360, Section 8, as amended) is amended to read:

9 "1-19-32. INSPECTION OF PUBLIC RECORDS.--

10 A. Each of the following documents is a public
11 record open to public inspection during regular office hours
12 in the office in which the document was filed or from which
13 the document was issued:

14 (1) a statement of no activity;

15 (2) a report of expenditures and
16 contributions;

17 (3) an advisory opinion issued by the state
18 ethics commission; except for the name of the person who
19 requested the opinion;

20 (4) a document specified as a public record
21 in the Campaign Reporting Act; and

22 (5) an arbitration decision issued by an
23 arbitration panel and filed with the secretary of state or
24 state ethics commission.

25 B. Each public record described in Subsection A of

1 this section shall be retained by the state for five years
2 and may be destroyed five years after the date of filing
3 unless a legal action or prosecution is pending that requires
4 the preservation of the public record.

5 C. The secretary of state shall provide for
6 electronic access to reports of expenditures and
7 contributions and statements of no activity submitted
8 electronically by reporting individuals. Electronic access
9 shall include access via the internet and shall be in an
10 easily searchable format."

11 SECTION 18. Section 1-19-34.1 NMSA 1978 (being
12 Laws 1993, Chapter 46, Section 12, as amended) is amended to
13 read:

14 "1-19-34.1. LEGISLATIVE SESSION FUNDRAISING
15 PROHIBITION.--

16 A. It is unlawful during the prohibited period for
17 a state legislator, the attorney general, the secretary of
18 state, the state treasurer, the commissioner of public lands
19 or the state auditor or a candidate for state legislator,
20 attorney general, secretary of state, state treasurer,
21 commissioner of public lands or state auditor, or any agent
22 on behalf of the attorney general, the secretary of state,
23 the state treasurer, the commissioner of public lands or the
24 state auditor or a candidate for attorney general, the
25 secretary of state, state treasurer, commissioner of public

1 lands or state auditor, to knowingly solicit a contribution
2 governed by the Campaign Reporting Act. For purposes of this
3 subsection, "prohibited period" means that period beginning
4 January 1 prior to any regular session of the legislature or,
5 in the case of a special session, after the proclamation has
6 been issued, and ending on adjournment of the regular or
7 special session.

8 B. It is unlawful during the prohibited period for
9 the governor or the lieutenant governor, or any agent on the
10 governor's or the lieutenant governor's behalf, to knowingly
11 solicit a contribution governed by the Campaign Reporting
12 Act. For purposes of this subsection, "prohibited period"
13 means that period beginning January 1 prior to any regular
14 session of the legislature or, in the case of a special
15 session, after the proclamation has been issued, and ending
16 on the twentieth day following the adjournment of the regular
17 or special session."

18 SECTION 19. A new section of the Campaign Reporting Act
19 is enacted to read:

20 "STATE ETHICS COMMISSION--JURISDICTION.--

21 A. On and after January 1, 2020:

22 (1) the state ethics commission shall have
23 jurisdiction to investigate and adjudicate a complaint
24 alleging a civil violation of a provision of the Campaign
25 Reporting Act in accordance with the provisions of that act;

1 and

2 (2) the state ethics commission shall share
3 jurisdiction to investigate and adjudicate complaints, or any
4 aspect of a complaint, with the secretary of state as
5 formalized through an agreement. The secretary of state
6 shall forward complaints it receives alleging violations of
7 the Campaign Reporting Act to the state ethics commission in
8 accordance with the agreement.

9 B. The state ethics commission and the secretary
10 of state shall make recommendations to the first session of
11 the fifty-fifth legislature on any changes to the Campaign
12 Reporting Act necessary for the efficient administration and
13 enforcement of the provisions of that act."

14 SECTION 20. A new section of the Voter Action Act is
15 enacted to read:

16 "STATE ETHICS COMMISSION--JURISDICTION.--

17 A. On and after January 1, 2020:

18 (1) the state ethics commission shall have
19 jurisdiction to investigate and adjudicate a complaint
20 alleging a civil violation of a provision of the Voter Action
21 Act in accordance with the provisions of that act; and

22 (2) the state ethics commission shall share
23 jurisdiction to investigate and adjudicate complaints, or any
24 aspect of a complaint, with the secretary of state as
25 formalized through an agreement. The secretary of state

1 shall forward complaints it receives alleging violations of
2 the Voter Action Act to the state ethics commission in
3 accordance with the agreement.

4 B. The state ethics commission and the secretary
5 of state shall make recommendations to the first session of
6 the fifty-fifth legislature on any changes to the Voter
7 Action Act necessary for the efficient administration and
8 enforcement of the provisions of that act."

9 SECTION 21. A new section of the Lobbyist Regulation
10 Act is enacted to read:

11 "STATE ETHICS COMMISSION--JURISDICTION.--

12 A. On and after January 1, 2020:

13 (1) the state ethics commission shall have
14 jurisdiction to investigate and adjudicate a complaint
15 alleging a civil violation of a provision of the Lobbyist
16 Regulation Act in accordance with the provisions of that act;
17 and

18 (2) the state ethics commission shall share
19 jurisdiction to investigate and adjudicate complaints, or any
20 aspect of a complaint, with the secretary of state as
21 formalized through an agreement. The secretary of state
22 shall forward complaints it receives alleging violations of
23 the Lobbyist Regulation Act to the state ethics commission in
24 accordance with the agreement.

25 B. The state ethics commission and the secretary

1 of state shall make recommendations to the first session of
2 the fifty-fifth legislature on any changes to the Lobbyist
3 Regulation Act necessary for the efficient administration and
4 enforcement of the provisions of that act."

5 SECTION 22. Section 2-15-8 NMSA 1978 (being Laws 1993,
6 Chapter 46, Section 53) is amended to read:

7 "2-15-8. INTERIM LEGISLATIVE ETHICS COMMITTEE--
8 DUTIES.--

9 A. The interim legislative ethics committee is
10 authorized to:

11 (1) issue advisory opinions on the
12 interpretation and enforcement of ethical principles as
13 applied to the legislature and that are not under the
14 jurisdiction of the state ethics commission;

15 (2) investigate complaints from another
16 member of the legislature or a member of the public alleging
17 misconduct of a legislator;

18 (3) investigate referrals made to the
19 co-chairs of the New Mexico legislative council from the
20 state ethics commission, the attorney general, the secretary
21 of state or a district attorney;

22 (4) hire special counsel, arbitrators or
23 independent hearing officers as necessary; and

24 (5) make recommendations to the respective
25 houses regarding proposed sanctions for ethical misconduct.

1 B. The interim legislative ethics committee shall
2 issue an annual report no later than the first day of May of
3 each year regarding its activities during the previous twelve
4 months, including a listing of the number of complaints
5 received, the disposition of the complaints that have been
6 resolved and the advisory opinions issued.

7 C. The interim legislative ethics committee shall
8 maintain a web page on the legislature's website."

9 SECTION 23. Section 10-16-11 NMSA 1978 (being Laws
10 1967, Chapter 306, Section 11, as amended) is amended to
11 read:

12 "10-16-11. CODES OF CONDUCT.--

13 A. Each elected statewide executive branch public
14 officer shall adopt a general code of conduct for employees
15 subject to the officer's control. The New Mexico legislative
16 council shall adopt a general code of conduct for all
17 legislative branch employees. The general codes of conduct
18 shall be based on the principles set forth in the
19 Governmental Conduct Act.

20 B. Within thirty days after the general codes of
21 conduct are adopted, they shall be given to and reviewed with
22 all executive and legislative branch officers and employees.
23 All new public officers and employees of the executive and
24 legislative branches shall review the employees' general code
25 of conduct prior to or at the time of being hired.

1 C. The head of every executive and legislative
2 agency and institution of the state may draft a separate code
3 of conduct for all public officers and employees in that
4 agency or institution. The separate agency code of conduct
5 shall prescribe standards, in addition to those set forth in
6 the Governmental Conduct Act and the general codes of conduct
7 for all executive and legislative branch public officers and
8 employees, that are peculiar and appropriate to the function
9 and purpose for which the agency or institution was created
10 or exists. The separate codes, upon approval of the
11 responsible executive branch public officer for executive
12 branch public officers and employees or the New Mexico
13 legislative council for legislative branch employees, govern
14 the conduct of the public officers and employees of that
15 agency or institution and, except for those public officers
16 and employees removable only by impeachment, shall, if
17 violated, constitute cause for dismissal, demotion or
18 suspension. The head of each executive and legislative
19 branch agency shall adopt ongoing education programs to
20 advise public officers and employees about the codes of
21 conduct. All codes shall be filed with the state ethics
22 commission and are open to public inspection.

23 D. Codes of conduct shall be reviewed at least
24 once every four years. An amended code shall be filed as
25 provided in Subsection C of this section.

1 E. All legislators shall attend a minimum of two
2 hours of ethics continuing education and training developed
3 and provided, in consultation with the director of the
4 legislative council service, by the state ethics commission
5 or a national state legislative organization of which the
6 state is a member, approved by the director, biennially."

7 SECTION 24. Section 10-16-13.1 NMSA 1978 (being
8 Laws 1993, Chapter 46, Section 35) is amended to read:

9 "10-16-13.1. EDUCATION AND VOLUNTARY COMPLIANCE.--

10 A. The state ethics commission shall advise and
11 seek to educate all persons required to perform duties under
12 the Governmental Conduct Act of those duties. This includes
13 advising all those persons at least annually of that act's
14 ethical principles.

15 B. The state ethics commission shall seek first to
16 ensure voluntary compliance with the provisions of the
17 Governmental Conduct Act. A person who violates that act
18 unintentionally or for good cause shall be given ten days'
19 notice to correct the matter. Referrals for civil
20 enforcement of that act shall be pursued only after efforts
21 to secure voluntary compliance with that act have failed."

22 SECTION 25. Section 10-16-14 NMSA 1978 (being
23 Laws 1967, Chapter 306, Section 14, as amended) is amended to
24 read:

25 "10-16-14. ENFORCEMENT PROCEDURES.--

1 A. The state ethics commission may investigate
2 suspected violations of the Governmental Conduct Act and
3 forward its findings and evidence to the attorney general,
4 district attorney or appropriate state agency or legislative
5 body for enforcement. If a suspected violation involves the
6 office of the state ethics commission, the attorney general
7 may enforce that act. If a suspected violation involves the
8 office of the attorney general, a district attorney may
9 enforce that act.

10 B. Violation of the provisions of the Governmental
11 Conduct Act by any legislator is grounds for discipline by
12 the appropriate legislative body.

13 C. If the state ethics commission determines that
14 there is sufficient cause to file a complaint to remove from
15 office a public officer removable only by impeachment, the
16 commission shall refer the matter to the house of
17 representatives of the legislature. If within thirty days
18 after the referral the house of representatives has neither
19 formally declared that the charges contained in the complaint
20 are not substantial nor instituted hearings on the complaint,
21 the state ethics commission shall make public the nature of
22 the charges but shall make clear that the merits of the
23 charges have never been determined. Days during which the
24 legislature is not in session shall not be included in
25 determining the thirty-day period.

1 D. Violation of the provisions of the Governmental
2 Conduct Act by any public officer or employee, other than
3 those covered by Subsection C of this section, is grounds for
4 discipline, including dismissal, demotion or suspension.
5 Complaints against executive branch employees may be filed
6 with the agency head and reviewed pursuant to the procedures
7 provided in the Personnel Act. Complaints against
8 legislative branch employees may be filed with and reviewed
9 pursuant to procedures adopted by the New Mexico legislative
10 council. Complaints against judicial branch employees may be
11 filed and reviewed pursuant to the procedures provided in the
12 judicial personnel rules. Complaints against employees
13 subject to the State Ethics Commission Act may also be filed
14 with the state ethics commission, which shall determine
15 whether to forward a complaint to the appropriate state
16 agency or investigate the complaint on its own.

17 E. Subject to the provisions of this section, the
18 provisions of the Governmental Conduct Act may be enforced by
19 the state ethics commission. Except as regards legislators,
20 state employees or statewide elected officials, a district
21 attorney in the county where a person who allegedly violated
22 the provisions resides or where an alleged violation occurred
23 may also enforce that act. Enforcement actions may include
24 seeking civil injunctive or other appropriate orders."

25 SECTION 26. Section 10-16-18 NMSA 1978 (being

1 Laws 1995, Chapter 153, Section 23) is amended to read:

2 "10-16-18. ENFORCEMENT--CIVIL PENALTIES.--

3 A. If the state ethics commission reasonably
4 believes that a person committed, or is about to commit, a
5 violation of the Governmental Conduct Act, the state ethics
6 commission may refer the matter to the attorney general or a
7 district attorney for enforcement.

8 B. The state ethics commission may institute a
9 civil action in district court or refer a matter to the
10 attorney general or a district attorney to institute a civil
11 action in district court if a violation has occurred or to
12 prevent a violation of any provision of the Governmental
13 Conduct Act. Relief may include a permanent or temporary
14 injunction, a restraining order or any other appropriate
15 order, including an order for a civil penalty of two hundred
16 fifty dollars (\$250) for each violation not to exceed five
17 thousand dollars (\$5,000)."

18 SECTION 27. Section 10-16A-1 NMSA 1978 (being
19 Laws 1993, Chapter 46, Section 39) is amended to read:

20 "10-16A-1. SHORT TITLE--FINANCIAL DISCLOSURE ACT.--
21 Chapter 10, Article 16A NMSA 1978 may be cited as the
22 "Financial Disclosure Act"."

23 SECTION 28. Section 10-16A-5 NMSA 1978 (being
24 Laws 1993, Chapter 46, Section 43) is amended to read:

25 "10-16A-5. EDUCATION AND VOLUNTARY COMPLIANCE.--

1 A. The secretary of state shall advise and seek to
2 educate all persons required to perform duties under the
3 Financial Disclosure Act of those duties. This includes
4 providing timely advance notice of the required financial
5 disclosure statement and preparing forms that are clear and
6 easy to complete.

7 B. The secretary of state shall seek first to
8 ensure voluntary compliance with the provisions of the
9 Financial Disclosure Act. A person who violates that act
10 unintentionally or for good cause shall be given ten days'
11 notice to correct the matter before fines are imposed.
12 Referrals to the state ethics commission for civil
13 enforcement of the Financial Disclosure Act shall be pursued
14 only after efforts to secure voluntary compliance with that
15 act have failed."

16 SECTION 29. Section 10-16A-6 NMSA 1978 (being
17 Laws 1993, Chapter 46, Section 44, as amended) is amended to
18 read:

19 "10-16A-6. INVESTIGATIONS--BINDING ARBITRATION--FINES--
20 ENFORCEMENT.--

21 A. The state ethics commission and the secretary
22 of state may conduct thorough examinations of statements and
23 initiate investigations to determine whether the Financial
24 Disclosure Act has been violated. Any person who believes
25 that act has been violated may file a written complaint with

1 the state ethics commission. The commission shall adopt
2 procedures for processing complaints and notifications of
3 violations.

4 B. If the state ethics commission determines that
5 a violation has occurred for which a penalty should be
6 imposed, the commission shall so notify the person charged
7 and impose the penalty. If the person charged disputes the
8 commission's determination, the person charged may request
9 binding arbitration.

10 C. The arbitration decision shall be decided by a
11 single arbitrator selected within ten days by the person
12 against whom the penalty has been imposed from a list of five
13 arbitrators provided by the state ethics commission. No
14 arbitrator may be a person subject to the Financial
15 Disclosure Act, Campaign Reporting Act or Lobbyist Regulation
16 Act. Arbitrators shall be considered to be independent
17 contractors, not public officers or employees, and shall not
18 be paid per diem and mileage.

19 D. The arbitrator may take any action the state
20 ethics commission is authorized to take. The arbitrator
21 shall state the reasons for the decision in a written
22 document that shall be a public record. The decision shall
23 be final and binding. The decision shall be issued within
24 thirty days of the conclusion of the hearing. Unless
25 otherwise provided for in this section, or by rule or

1 regulation adopted by the state ethics commission, the
2 procedures for the arbitration shall be governed by the
3 Uniform Arbitration Act. No arbitrator shall be subject to
4 liability for actions taken pursuant to this section.

5 E. Any person who files a statement or report
6 after the deadline imposed by the Financial Disclosure Act or
7 any person who files a false or incomplete statement or
8 report is liable for and shall pay to the secretary of state,
9 at or from the time initially required for the filing, fifty
10 dollars (\$50.00) per day for each regular working day after
11 the time required for the filing of the statement or report
12 until the complete report is filed, up to a maximum of five
13 thousand dollars (\$5,000).

14 F. The secretary of state may refer a matter to
15 the state ethics commission, attorney general or a district
16 attorney for a civil injunctive or other appropriate order or
17 enforcement."

18 SECTION 30. Section 10-16A-8 NMSA 1978 (being
19 Laws 1995, Chapter 153, Section 25) is amended to read:

20 "10-16A-8. ENFORCEMENT--CIVIL PENALTIES.--

21 A. If the state ethics commission reasonably
22 believes that a person committed, or is about to commit, a
23 violation of the Financial Disclosure Act, the commission may
24 refer the matter to the attorney general or a district
25 attorney for enforcement.

1 B. The state ethics commission may institute a
2 civil action in district court or refer a matter to the
3 attorney general or a district attorney to institute a civil
4 action in district court if a violation has occurred or to
5 prevent a violation of any provision of the Financial
6 Disclosure Act. Relief may include a permanent or temporary
7 injunction, a restraining order or any other appropriate
8 order, including an order for a civil penalty of two hundred
9 fifty dollars (\$250) for each violation not to exceed five
10 thousand dollars (\$5,000)."

11 SECTION 31. Section 10-16B-1 NMSA 1978 (being
12 Laws 2007, Chapter 226, Section 1) is amended to read:

13 "10-16B-1. SHORT TITLE.--Chapter 10, Article 16B
14 NMSA 1978 may be cited as the "Gift Act"."

15 SECTION 32. A new section of the Gift Act is enacted to
16 read:

17 "INVESTIGATIONS--COMPLAINTS--ENFORCEMENT.--

18 A. The state ethics commission may initiate
19 investigations to determine whether the provisions of the
20 Gift Act have been violated. A person who believes that a
21 violation of the Gift Act has occurred may file a complaint
22 with the state ethics commission.

23 B. If the state ethics commission determines that
24 a violation has occurred, the commission shall refer the
25 matter to the attorney general for criminal prosecution."

1 SECTION 33. A new section of the Procurement Code is
2 enacted to read:

3 "STATE ETHICS COMMISSION JURISDICTION.--The state ethics
4 commission may investigate complaints against a contractor
5 who has a contract with a state agency or a person who has
6 submitted a competitive sealed proposal or competitive sealed
7 bid for a contract with a state agency. The state ethics
8 commission may impose the civil penalties authorized in
9 Sections 13-1-196 through 13-1-198 NMSA 1978 pursuant to the
10 provisions of those sections."

11 SECTION 34. Section 13-1-196 NMSA 1978 (being
12 Laws 1984, Chapter 65, Section 169) is amended to read:

13 "13-1-196. CIVIL PENALTY.--Any person, firm or
14 corporation that knowingly violates any provision of the
15 Procurement Code is subject to a civil penalty of not more
16 than one thousand dollars (\$1,000) for each procurement in
17 violation of any provision of the Procurement Code. The
18 district attorney in the jurisdiction in which the violation
19 occurs or the state ethics commission is empowered to bring a
20 civil action for the enforcement of any provision of the
21 Procurement Code; provided that the commission may refer a
22 matter for enforcement to the attorney general or the
23 district attorney in the jurisdiction in which the violation
24 occurred. Any penalty collected under the provisions of this
25 section shall be credited to the general fund of the

1 political subdivision in which the violation occurred and on
2 whose behalf the suit was brought."

3 SECTION 35. Section 2-6-1 NMSA 1978 (being
4 Laws 1961, Chapter 2, Section 1, as amended) is amended to
5 read:

6 "2-6-1. LIMIT ON THE TIME WITHIN WHICH BILLS MAY BE
7 INTRODUCED.--

8 A. Legislation shall not be accepted for filing
9 until after the beginning of the prohibited period for
10 soliciting campaign contributions provided for in
11 Section 1-19-34.1 NMSA 1978.

12 B. No bill shall be introduced at any regular
13 session of the legislature subsequent to the thirtieth
14 legislative day in sessions held in the odd-numbered years or
15 subsequent to the fifteenth legislative day in sessions held
16 in the even-numbered years. The limitation provided in this
17 subsection does not apply to the general appropriation bill,
18 bills to provide for the current expenses of the government
19 and such bills as may be referred to the legislature by the
20 governor by special message specifically setting forth the
21 emergency or necessity requiring such legislation."

22 SECTION 36. Section 34-10-2.1 NMSA 1978 (being
23 Laws 1977, Chapter 289, Section 1) is amended to read:

24 "34-10-2.1. JUDICIAL STANDARDS COMMISSION--DUTIES--
25 SUBPOENA POWER.--

1 A. Pursuant to the judicial standards commission's
2 authority granted by Article 6, Section 32 of the
3 constitution of New Mexico, any justice, judge or magistrate
4 of any court may be disciplined or removed for willful
5 misconduct in office, persistent failure or inability to
6 perform the judge's duties or habitual intemperance, or may
7 be retired for a disability that seriously interferes with
8 the performance of the justice's, judge's or magistrate's
9 duties and that is, or is likely to become, of a permanent
10 character. The judicial standards commission is granted the
11 same authority to regulate the conduct and character of
12 court-appointed commissioners, hearing officers,
13 administrative law judges or special masters while acting in
14 a judicial capacity.

15 B. With respect to the officials listed in
16 Subsection A of this section, the judicial standards
17 commission shall:

18 (1) investigate all charges, complaints and
19 allegations as to willful misconduct in office, persistent
20 failure or inability to perform official duties or habitual
21 intemperance, if the commission deems necessary, and hold a
22 hearing on the charges, complaints or allegations concerning
23 the discipline or removal of the official;

24 (2) investigate and, if the commission deems
25 necessary, hold hearings on any charge, complaint or

1 allegation that an official listed in Subsection A of this
2 section has suffered a disability that is seriously
3 interfering with the performance of the official's duties and
4 that is, or is likely to become, of a permanent character;

5 (3) if the commission deems it necessary or
6 convenient, appoint three masters, who are justices or judges
7 of courts of record, to hear and take evidence in any matter
8 arising under Paragraph (1) or (2) of this subsection who
9 shall report their findings to the commission; and

10 (4) after a hearing deemed necessary
11 pursuant to Paragraph (2) of this subsection or after
12 considering the record and the findings and report of the
13 masters, if the commission finds good cause, recommend to the
14 supreme court the discipline, removal or retirement of the
15 official.

16 C. In any investigation or hearing held under the
17 provisions of this section, the commission may administer
18 oaths and, with the concurrence of a majority of the members
19 of the commission, petition a district court to subpoena
20 witnesses, compel their attendance and examine them under
21 oath or affirmation and require the production of any books,
22 records, documents or other evidence it may deem relevant or
23 material to an investigation upon a showing of probable
24 cause."

25 SECTION 37. TEMPORARY PROVISION--REPORT ON EXTENSION OF

1 JURISDICTION.--

2 A. By October 1, 2021, the state ethics commission
3 shall submit a report to the legislature and the office of
4 the governor regarding whether to extend commission
5 jurisdiction.

6 B. If the report recommends extension of the state
7 ethics commission's jurisdiction, the report shall address:

8 (1) a detailed plan for implementation of an
9 extension of the commission's jurisdiction and a proposed
10 time line for the implementation;

11 (2) the estimated number of additional
12 employees and other resources needed by the commission to
13 perform its expanded duties;

14 (3) estimated budget increases needed for
15 the commission to perform its expanded duties; and

16 (4) recommended changes to existing law.

17 SECTION 38. TEMPORARY PROVISION--COMPILER'S
18 INSTRUCTION.--The New Mexico compilation commission shall
19 rename Chapter 2, Article 15 NMSA 1978 "Legislative Ethics".

20 SECTION 39. REPEAL.--Sections 2-15-1 through 2-15-6
21 NMSA 1978 (being Laws 1993, Chapter 46, Sections 46 through
22 51) are repealed.

23 SECTION 40. APPLICABILITY.--The provisions of the State
24 Ethics Commission Act apply only to conduct occurring on or
25 after July 1, 2019.

1 SECTION 41. EFFECTIVE DATE.--

2 A. The effective date of the provisions of
3 Sections 1 through 8, 34, 37 and 38 of this act is
4 July 1, 2019.

5 B. The effective date of the provisions of
6 Sections 9 through 33 and 36 of this act is January 1, 2020.

7 C. The effective date of the provisions of Section
8 35 of this act is July 1, 2020.

9 SECTION 42. EFFECTIVE DATE.--The effective date of the
10 provisions of Section 18 of this act is January 1, 2020.=====

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