(2) assistance shall be provided only upon request from a legislator;

(3) requests from the chief clerks' offices to state agencies shall be limited to information or requests for review of actions consistent with existing policies and procedures. In no event shall the house and senate chief clerks or their staffs request preferential treatment on behalf of a constituent; and

(4) when requested by the house and senate chief clerks, the legislative council service, the legislative education study committee and the legislative finance committee shall assist the house and senate chief clerks in responding to an inquiry.

E. Assistance with General Correspondence.--Pursuant to Subsection A of Section 2-14-3 NMSA 1978, the house and senate chief clerks are authorized to assist individual legislators with general correspondence related to the performance of a member's legislative duties and shall do so without regard to the legislator's political affiliation, status or seniority. Assistance on general correspondence shall be provided upon a specific request made by or on behalf of an individual member to the house or senate chief clerk or their designees. "General correspondence" shall not be construed to mean correspondence of a personal nature, newsletters, mass mailings or correspondence related to a legislator's election campaign or any partisan political matter.

F. Pre-session Duties.--To assist in carrying out the provisions of Subsection C of Section 2-14-3 NMSA 1978, the house and senate chief clerks will cooperate and work closely with the director of the legislative council service in planning for upcoming legislative sessions and, upon request, shall present joint reports of the status of pre-session preparation to the legislative council.

G. Inventories.--The chief clerks and the director of the legislative council service shall develop a procedure for conducting annually an accurate inventory of the property of the legislature. The inventory shall be available for inspection by members of the legislative council on or after June 30 of each year in the offices of the legislative council service. Inventories of the respective houses shall also be available in the offices of the house and senate chief clerks.

16. INTERIM LEGISLATIVE ETHICS COMMITTEE.--

A. The interim legislative ethics committee is the body to which shall be referred matters relating to the ethical conduct of legislative members which arise during the interim, including conduct which may give rise to constitutional discipline under Article 4, Section 11 of the constitution of New Mexico.

B. The interim legislative ethics committee shall be appointed by the legislative council in accordance with the recommendations of the respective floor leaders

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of each house. The two major political parties in each house shall have equal representation on the committee. Members of the legislative council may serve on the interim legislative ethics committee. There shall be co-chairs of the committee, one from each house of the legislature. To the extent feasible, the committee shall be comprised of members of the standing committees of the house and senate responsible for ethics matters during legislative sessions.

C. The interim legislative ethics committee is authorized, during the interim, to issue advisory opinions and letters on matters relating to the ethical conduct of legislators in accordance with the provisions of these policies. The committee is also authorized, during the interim, to conduct investigations and hearings concerning the ethical conduct of legislators in accordance with the provisions of these policies. Except in an extreme emergency, the committee shall meet no more than once a month during the interim.

D. Advisory opinions shall be issued by the full committee and shall be dealt with in the following manner.

(1) Any legislator may seek an advisory opinion relating to the interpretation and enforcement of principles of ethics with respect to a situation affecting that legislator.

(2) A request for an advisory opinion shall be submitted in writing by the requesting legislator. The question may describe a real or hypothetical situation and request an advisory opinion establishing an appropriate standard of ethical conduct for that situation. Neither the contents nor the nature of a request for an opinion shall be revealed to any person outside of the committee or the staff to the committee except with the consent of the legislator requesting the opinion.

(3) The committee shall issue a written opinion regarding each inquiry or explain in writing why no opinion will be issued. Opinions shall be prospective only. Once issued, opinions shall be public documents, except that no opinion shall identify the requesting legislator without the legislator's consent.

(4) A requesting legislator may rely upon an advisory opinion of the interim legislative ethics committee, and any legislator acting in good faith reliance upon such an advisory opinion shall be immune from sanctions for conduct allowed by the opinion, unless the advisory opinion has been rejected by the relevant standing committee prior to the conduct in question.

(5) Committee advisory opinions shall be forwarded to the relevant standing committees for adoption or rejection in accordance with their respective procedures.

E. In dealing with charges brought against a legislator or a referral relating to the conduct of a legislator, the committee shall function through investigative and hearing subcommittees.

(1) Hearing subcommittees shall be comprised of the members of the committee from the house of the charged member.

(2) Investigative subcommittees shall be comprised of an equal number of members of the hearing subcommittee from each party, selected by the appropriate co-chairman of the council in accordance with the recommendations of the appropriate majority and minority floor leaders.

(3) Subcommittees may only act by a majority vote of their members.

(4) Special legal counsel may be authorized by the legislative council to assist investigative subcommittees, hearing subcommittees and the interim legislative ethics committee.

F. Any charge seeking the discipline of a member of the legislature during the interim shall be in writing, under oath or affirmation, signed by a member of the legislature or a member of the public, addressed to the legislative council and filed with the legislative council service at the state capitol. The complaint shall state with reasonable particularity the relevant facts upon which the charge is based and the substantive ethics rule or law which the legislator is charged with violating.

G. The relevant co-chairman of the legislative council and the relevant majority and minority leaders shall determine whether the complaint raises an issue implicating the charged member's role as a legislator under the substantive ethics rules or laws governing legislative conduct.

(1) Unless all three agree that the complaint does not raise an ethics issue implicating the charged member's role as a legislator under the applicable rules or laws, the complaint shall be forwarded to the interim legislative ethics committee. If all three agree that the complaint does not raise an ethics issue, the complaint shall be dismissed and a copy of the dismissal and an explanatory letter shall be sent to the complainant.

(2) The relevant co-chairman of the legislative council and the respective majority and minority leaders may also determine whether, under the particular circumstances of the case, the matter is best left to the appropriate standing committee of the relevant house during the next session of the legislature. If all three agree that the matter is best left to the appropriate standing committee, the case shall be referred to that committee rather than to the interim legislative ethics committee.

H. During the interim, the speaker of the house of representatives or the president pro tempore of the senate, in conjunction with the appropriate majority and minority leaders, may also refer any ethics matter affecting a member of the respective house which might require investigation to the interim legislative ethics committee, including, when appropriate, requests by legislators which ask the speaker or the president pro tempore to provide for an investigation of the requesting legislator's own conduct. Such requests shall be in writing addressed to the speaker or president pro tempore and shall state with reasonable particularity the conduct to be investigated and the reason for the request.

I. The complaint or referral shall be delivered to the appropriate investigative subcommittee and shall be dealt with as follows.

(1) A legislator against whom a complaint is filed or with respect to whom a referral is made shall immediately be given a copy of the complaint or referral.

(2) The investigative subcommittee shall conduct a confidential investigation, resulting in a recommendation to the hearing subcommittee as follows.

(a) If the investigative subcommittee finds no probable cause to believe a charge is warranted, it shall recommend that the hearing subcommittee close the investigation or dismiss the charge. Dismissal by the hearing subcommittee shall be communicated to the complainant, and the member charged shall not be subject to further charges for the same act.

(b) If the investigative subcommittee finds probable cause to believe that the charge is warranted, it shall recommend that the hearing subcommittee initiate a formal hearing.

J. A formal hearing is initiated by the issuance of a written finding of probable cause by the hearing subcommittee and the service of a copy of that document on the legislator being charged. The written finding of probable cause shall be limited to matters reasonably related to the original charge and shall become the formal charging document.

(1) A member or members of the investigative subcommittee or special legal counsel to the investigative subcommittee shall become the charging party and present the case against the legislator being charged. If an investigative subcommittee member, rather than special legal counsel, becomes the charging party who prosecutes the case, that member shall be excused from deciding the case.

(2) The hearing subcommittee shall hear the matter. Good cause excusal of a member from investigating, hearing or voting on a matter may be granted

only by a majority vote of the hearing subcommittee. A vacancy shall be filled by the appointing authority in the same manner as the original appointment.

(3) If a charge is brought against a member of either house who has appointing, investigative or hearing responsibilities to carry out under this policy, that member shall be relieved of those responsibilities for purposes of that charge. The legislative council, in accordance with the recommendations of the appropriate floor leader, or succeeding appropriate party leader if necessary, shall appoint a substitute from the same political party to act in the stead of that member.

(4) If the charge involves conduct that is the subject of a pending civil or criminal proceeding in which the charged party is a defendant, the hearing subcommittee shall determine whether the public interest is best served by suspending the disciplinary proceedings pending resolution of the civil or criminal charges or whether portions of the formal proceedings shall be kept confidential, and notice thereof shall be forwarded to the appropriate standing committee of the relevant house.

K. At the formal hearing, all parties shall have an opportunity to be heard, to request the presence of witnesses and the production of relevant evidence and to cross-examine witnesses against them. The member being charged may be represented by counsel at the member's own expense.

L. At the time a formal hearing is scheduled, the hearing subcommittee shall establish and notify the parties of the preliminary schedule and the procedures to be followed, including those for making opening and closing statements and for the presentation of evidence. The hearing subcommittee shall not be bound by the rules of evidence applicable in the courts of New Mexico.

(1) The procedures shall include notice that all testimony shall be taken under oath and that the hearings shall be open to the public, except that the hearing subcommittee may designate specific information or portions of the hearing to be confidential in order to protect the integrity of an ongoing investigation or prosecution or to preserve the privacy of third parties or for any other lawful purpose.

(2) All testimony at the formal hearing shall be recorded. The recorded testimony, together with all other evidence, shall be compiled as the record of the formal hearing.

M. If the hearing subcommittee determines that the legislator being charged has not committed an offense that justifies the imposition of sanctions, it shall recommend in its report to the full interim legislative ethics committee that the complaint be dismissed.

N. If the hearing subcommittee determines that the legislator has committed an offense that justifies the imposition of sanctions, it shall make such a recommendation, including the severity of the sanction, in its report to the full interim legislative ethics committee. Recommended sanctions may include but are not limited to the following.

(1) Reprimand -- a reprimand is normally appropriate for a single, relatively minor act of unethical conduct.

(2) Censure -- censure is normally the appropriate sanction for more serious or repeated acts of unethical conduct, although repeated or aggravated violations may merit expulsion. Censure normally carries with it a stripping of leadership and chairmanship positions for the remainder of that legislator's current term in office.

(3) Expulsion -- the extraordinary power of expulsion generally should be reserved for very serious breaches of legal or ethical responsibilities of members that directly relate to their duties as members of the legislature and that impugn the integrity of the legislature, reflect adversely on the legislature or otherwise undermine public trust in the institution of the legislature.

O. In accordance with the report from the hearing subcommittee, the interim legislative ethics committee shall either dismiss the complaint or refer the matter to the appropriate house of the legislature with the recommendations of the subcommittee. If the matter is referred, the committee's report and the record of the formal hearing shall be forwarded to the member being charged and to the relevant house of the legislature.

17. BIENNIAL REPORT.--The biennial report of the council and the council service shall be prepared on a fiscal year basis and should be completed and distributed to all members of the legislature in July of the year preceding a regular legislative session.

18. CAPITOL RECOGNITION SUBCOMMITTEE.--There shall be a capitol recognition subcommittee of the legislative council composed of six members of the council: three members of the house of representatives and three members of the senate, appointed by the co-chairmen of the council. The subcommittee shall not be deemed an interim committee but an internal subcommittee of the council authorized to meet during legislative sessions as well as during the interim.

The subcommittee shall consider and make recommendations on requests to honor New Mexicans with suitable displays in the Capitol and Capitol North, including in the Walker K. Martinez Memorial Walkway and the capitol grounds. In performing its duties, the subcommittee shall:

A. limit its recommendations to those New Mexicans judged to be of extraordinary stature, honorable character and outstanding accomplishment or