

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

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO: SECTION 1. It is proposed to amend Article 5 of the constitution of New Mexico by adding a new section to read:

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

(1) three commissioners appointed by the governor, no more than one of whom shall be of the same political party and at least one commissioner appointed from each congressional district;

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

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

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

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

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

B. Commissioners shall be appointed for staggered terms of four years beginning July 1, 2017. The initial appointees shall draw lots to determine which three commissioners serve an initial term of two years, which three commissioners serve an initial term of three years and which three commissioners serve an initial term of four years; thereafter, all commissioners shall be appointed for four-year terms. Members shall serve until their successors are appointed and qualified.

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

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

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

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

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

H. The state ethics commission shall:

(1) receive, initiate, investigate and adjudicate complaints alleging violations:

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

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

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

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

(2) make such recommendations or referrals to other agencies as the legislature may by law authorize concerning the imposition of discipline or sanctions for violations of the laws described in paragraph (1) of this subsection;

(3) have the power to petition the courts for such additional sanctions for violations of the laws described in paragraph (1) of this subsection as the legislature may by law authorize;

(4) have the power to give advisory opinions in such cases as the legislature may by law authorize;

(5) promulgate rules necessary to implement and administer the provisions of this section;

(6) have the power to issue subpoenas requiring the attendance of witnesses or the production of books, records, documents or other evidence relevant to an investigation; and

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

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval rejection at the next general election or at any special election prior to that date that may be called for that purpose.