

1 SENATE JOINT RESOLUTION 9

2 51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

3 INTRODUCED BY

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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

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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, 2015. 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.

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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

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1 complaints alleging ethics violations against state officials
2 and employees in the executive and legislative branches of
3 government, government contractors and lobbyists;

4 (2) administer the provisions of those acts
5 assigned to it by law that concern the conduct of state
6 officers and employees, state contractors and lobbyists or the
7 election to public office;

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

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

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

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