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AN ACT

RELATING TO THE LEGISLATURE; REMOVING THE REQUIREMENT THAT
THE COMPLAINANT NOT PUBLICLY DISCLOSE ANY INFORMATION
RELATING TO THE FILING OR INVESTIGATION OF A COMPLAINT MADE
TO THE INTERIM LEGISLATIVE ETHICS COMMITTEE ALLEGING
MISCONDUCT OF A LEGISLATOR.

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

SECTION 1. Section 2-15-9 NMSA 1978 (being Laws 1993,
Chapter 46, Section 54) is amended to read:

"2-15-9. INTERIM LEGISLATIVE ETHICS COMMITTEE--
PROCEDURES--CONFIDENTIALITY.--

A. Except as provided in this section, the
New Mexico legislative council shall develop procedures to
carry out the provisions of this section, in accordance with
the existing procedures in the house and senate rules.

B. A member of the interim legislative ethics
committee is ineligible to participate in any matter relating
directly to that member's conduct. In any such case, a
substitute member to the committee shall be appointed from
the same house from the same political party by the
appropriate appointing authority. A member may seek to be
disqualified from any matter brought before the interim
legislative ethics committee on the grounds that the member
cannot render a fair and impartial decision.

1 Disqualification must be approved by a majority vote of the
2 remaining members of the committee. In any such case, a
3 substitute member to the committee shall be appointed from
4 the same political party as provided in this section.

5 C. The interim legislative ethics committee is
6 authorized to issue advisory opinions on matters relating to
7 ethical conduct during the interim. Any question relating to
8 the interpretation and enforcement of ethical principles as
9 applied to the legislature may be submitted in writing to the
10 New Mexico legislative council by a legislator describing a
11 real or hypothetical situation and requesting an advisory
12 opinion establishing an appropriate standard of ethical
13 conduct for that situation. The question shall be referred
14 to the interim legislative ethics committee.

15 D. To initiate any action during the interim on
16 alleged misconduct, any legislator or member of the public
17 may file a written, sworn complaint setting forth, with
18 specificity, the facts alleged to constitute unethical
19 conduct. A complaint shall be filed with the New Mexico
20 legislative council. Upon receipt of the complaint, the co-
21 chairs shall convene the interim legislative ethics
22 committee.

23 E. The interim legislative ethics committee shall
24 maintain rules of confidentiality unless the legislator
25 against whom a complaint is filed waives the rules or any

1 part of them in writing. The confidentiality rules shall
2 include the following provisions:

3 (1) the committee and its staff shall not
4 publicly disclose any information relating to the filing or
5 investigation of a complaint, including the identity of the
6 complainant or respondent, until after a finding of probable
7 cause has been made that a violation has occurred;

8 (2) the identity of the complainant shall be
9 released to the respondent immediately upon request; and

10 (3) no member of the committee or its staff
11 may knowingly disclose any confidential information except as
12 authorized by the committee." _____

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