

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 668

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
ENACTING THE STATE ETHICS COMMISSION ACT; PROVIDING FOR AN
EXECUTIVE DIRECTOR; PROVIDING FOR ANNUAL ETHICS TRAINING AND
THE PUBLICATION OF ETHICS GUIDES; REQUIRING THE DEVELOPMENT OF
A PROPOSED ETHICS CODE; PROVIDING FOR THE ISSUANCE OF ADVISORY
OPINIONS; PROVIDING FOR THE FILING OF COMPLAINTS AGAINST
CERTAIN PUBLIC OFFICIALS, PUBLIC EMPLOYEES, CANDIDATES AND
PERSONS SUBJECT TO THE CAMPAIGN REPORTING ACT, GOVERNMENT
CONTRACTORS, LOBBYISTS AND OTHERS FOR ETHICS VIOLATIONS;
PROVIDING FOR INVESTIGATIONS AND HEARINGS; GRANTING SUBPOENA

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POWERS; PROHIBITING RETALIATION; Hf2→PROHIBITING CERTAIN CANDIDATES AND STATE OFFICERS FROM SOLICITING CONTRIBUTIONS DURING A PROHIBITED PERIOD;←Hf2 PROVIDING PENALTIES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1 through 16 of this act may be cited as the "State Ethics Commission Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the State Ethics Commission Act:

- A. "commission" means the state ethics commission;
- B. "commissioner" means a member of the commission;
- C. "complainant" means a person who files a verified complaint with the commission;

D. "complaint" means a complaint that has been signed by the complainant and the complainant Sfl3→verifies←Sfl3 Sfl3→attests under oath and subject to penalty of perjury←Sfl3 before a notary public that the information in the complaint, and any attachments provided with the complaint, are true and accurate;

- E. "director" means the executive director of the commission;
- F. "government contractor" means a person who has a contract with a public agency or who has submitted a competitive sealed proposal or competitive sealed bid for a

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contract with a public agency;

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

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

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

J. "public agency" means any department, commission, council, board, committee, agency or institution of the executive or legislative branch of government of the state or any instrumentality of the state, including the New Mexico mortgage finance authority, the New Mexico finance authority, the New Mexico exposition center authority, the New Mexico hospital equipment loan council and the New Mexico renewable energy transmission authority; HJC→SJC→; "public agency" also means a school district and a charter school;←SJC SJC→, and beginning July 1, 2021, also means any political subdivision of the state;←SJC←HJC HJC→HJC→; "public agency" also means a school district and a charter school;←HJC←HJC

K. "public employee" means an employee of a public agency; HJC→SJC→provided that, with respect to a school district or a charter school, "public employee" only includes an employee who works in an administrative capacity;←SJC←HJC HJC→HJC→provided that, with respect to a school district or a

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~~charter school, "public employee" only includes an employee who works in an administrative capacity;~~~~HJC~~~~HJC~~

L. "public official" means a person elected to an office of the executive or legislative branch of the state ~~HJC~~~~;~~ ~~or~~~~HJC~~ a person appointed to a public agency ~~HJC~~~~SJC~~~~;~~ ~~a local school board member, a local superintendent of a school district or a member of the governing authority of a charter school~~~~SJC~~ ~~SJC~~~~;~~ and beginning July 1, 2021, also means a member of the governing authority of a political subdivision of the state~~SJC~~~~HJC~~ ~~HJC~~~~HJC~~~~;~~ a local school board member, a local superintendent of a school district or a member of the governing authority of a charter school~~HJC~~~~HJC~~; and

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

SECTION 3. [NEW MATERIAL] STATE ETHICS COMMISSION
CREATED--MEMBERSHIP--TERMS--REMOVAL.--

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

- (1) one commissioner appointed by the speaker of the house of representatives;
- (2) one commissioner appointed by the minority floor leader of the house of representatives;
- (3) one commissioner appointed by the president pro tempore of the senate;

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

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

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

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

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

D. Commissioners shall be appointed for staggered terms of four years beginning July 1, 2019. The initial commissioners SJC→~~shall draw lots to determine which two commissioners serve an initial term of two years, which two commissioners serve an initial term of three years and which three commissioners serve an initial term of four years; thereafter, all commissioners shall serve four-year terms.~~←SJC

SJC→**appointed by the speaker of the house of representatives and senate minority floor leader shall serve an initial term of four years; members appointed by the president pro tempore of the senate and house minority floor leader shall serve an initial term of two years; members appointed by the**

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legislatively appointed members shall serve an initial term of one year; and the member appointed by the governor shall serve an initial term of three years. ←SJC Members shall serve until their successors are appointed and qualified.

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

F. When any member of the commission dies, resigns or no longer has the qualifications required for the commissioner's original selection, the commissioner's position on the commission becomes vacant. The director shall notify the original appointing authority of the vacant position. The original appointing authority shall select a successor in the same manner as the original selection was made. A vacancy shall be filled by appointment by the original appointing authority no later than sixty days following notification of a vacancy for the remainder of the unexpired term. A vacancy on the commission shall be filled by appointment by the original appointing authority for the remainder of the unexpired term.

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

H. Four commissioners consisting of two members of the largest political party in the state and two members of the

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second largest political party in the state constitute a quorum for the transaction of business. No action shall be taken by the commission unless at least four members, including at least two members of the largest political party in the state and two members of the second largest political party in the state, concur.

I. 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 commission or by the attorney general upon the request of the commission. A commissioner shall be given notice of hearing and an opportunity to be heard before the commissioner is removed. The supreme court has original jurisdiction over proceedings to remove commissioners, and its decision shall be final. A commissioner is also liable to impeachment pursuant to Article 4, Section 36 of the constitution of New Mexico.

SECTION 4. [NEW MATERIAL] COMMISSIONERS--QUALIFICATIONS--LIMITATIONS.--

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

- (1) be a qualified elector of New Mexico;
- (2) not have changed party registration in the

Hf1→two←Hf1 Hf1→five←Hf1 years next preceding the member's appointment in such a manner that the member's prior party registration would make the member ineligible to serve on the commission;

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(3) not continue to serve as a commissioner if the member changes party registration after the date of appointment in such a manner as to make the member ineligible to serve on the commission; and

(4) not be, or within the two years prior to appointment shall not have been, in New Mexico, any of the following:

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

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

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

- (1) represent a respondent, unless appearing

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on the commissioner's own behalf; or

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

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

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

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

SECTION 5. [NEW MATERIAL] COMMISSION--DUTIES AND POWERS.--

A. The commission shall:

(1) employ an executive director, who shall be an attorney Hf1→, upon approval of at least five commissioners←Hf1;

(2) develop, adopt and promulgate the rules necessary for it to implement and administer the provisions of

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the State Ethics Commission Act; and

(3) establish qualifications for hearing officers and rules for hearing procedures and appeals.

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

(1) receive and investigate complaints alleging ethics violations against public officials, public employees, candidates, persons subject to the Campaign Reporting Act, government contractors, lobbyists and lobbyists' employers;

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

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

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

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

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

(1) HJC → **by approval of at least five commissioners,** ← HJC initiate complaints alleging ethics

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violations against a public official, public employee, candidate, person subject to the Campaign Reporting Act, government contractor, lobbyist or lobbyist's employer;

(2) petition a district court to issue subpoenas under seal requiring the attendance of witnesses and the production of books, records, documents or other evidence relevant or material to an investigation;

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

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

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

**SECTION 6. [NEW MATERIAL] EXECUTIVE DIRECTOR--
APPOINTMENT--DUTIES AND POWERS.--**

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

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commission.

B. The director shall:

(1) take the oath of office required by Article 20, Section 1 of the constitution of New Mexico;

HJC→~~(2) perform investigations on behalf of the commission;~~

~~(3) bring complaints and investigation results before the commission for consideration;~~←HJC

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

HJC→~~(5)~~ (3)←HJC hire additional personnel as may be necessary to carry out the duties of the commission;

HJC→~~(6)~~ (4)←HJC prepare an annual budget for the commission and submit it to the commission for approval;

HJC→~~(7)~~ (5)←HJC make recommendations to the commission of

proposed rules or legislative changes needed to provide better administration of the State Ethics Commission Act;

HJC→~~(8)~~ (6)←HJC perform other duties as assigned by the commission; and

HJC→~~(9)~~ (7)←HJC be required to reapply for the position after six years of service and may serve as director for no more than twelve years.

C. The director may:

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

(2) HJC→**have the general counsel**←HJC

administer oaths and take depositions subject to the Rules of Civil Procedure for the District Courts.

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

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

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

SECTION 7. [NEW MATERIAL] RECUSAL AND DISQUALIFICATION OF A COMMISSIONER.--

A. A commissioner may recuse from a particular matter.

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

(1) when the commissioner has a personal bias or prejudice concerning a party to the proceeding or has prejudged a disputed evidentiary fact involved in a proceeding

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prior to a hearing. For the purposes of this paragraph, "personal bias or prejudice" means a predisposition toward a person based on a previous or ongoing relationship that renders the commissioner unable to exercise the commissioner's functions impartially;

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

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

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

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

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

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at which the matter is discussed.

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

G. If two or more commissioners have recused themselves or are disqualified from participating in a proceeding, the remaining commissioners shall appoint temporary commissioners to participate in that proceeding. Appointments of temporary commissioners shall be made by a majority vote of the remaining commissioners in accordance with the political affiliation and geographical representation requirements and the qualifications set forth in the State Ethics Commission Act.

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

SECTION 8. [NEW MATERIAL] ADVISORY OPINIONS.--

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

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

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

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

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

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

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

**SECTION 9. [NEW MATERIAL] COMMISSION JURISDICTION--
COMPLIANCE PROVISIONS.--**

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

- (1) the Campaign Reporting Act;
- (2) the Financial Disclosure Act;
- (3) the Gift Act;
- (4) the Lobbyist Regulation Act;
- (5) the Voter Action Act;

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(6) the Governmental Conduct Act;

(7) the Procurement Code;

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(8) the State Ethics Commission Act Hf1→;

and←Hf1 Hf1→HJC;

~~(9) Article 9, Section 14 of the constitution of New Mexico;~~

~~(10) the Open Meetings Act;~~

~~(11) the Inspection of Public Records Act; and~~

~~(12) the School District Campaign Reporting~~

~~Act.←HJC HJC→.←HJC←Hf1~~

Hf1→(9) Article 9, Section 14 of the

constitution of New Mexico Hf1→;

~~(10) the Open Meetings Act;~~

~~(11) the Inspection of Public Records Act; and~~

~~(12) the School District Campaign Reporting~~

~~Act.←Hf1←Hf1 Hf1→.←Hf1~~

B. All complaints filed with a public agency regarding the statutes listed in Subsection A of this section shall be forwarded to the commission.

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

D. If the commission decides not to act on a complaint, whether the complaint was filed with the commission

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or forwarded from another public agency, or decides only to act on part of a complaint, the commission shall promptly forward the complaint, or any part of a complaint on which it does not wish to act, to the public agency that has appropriate jurisdiction within ten days of the decision. The complainant and respondent shall be notified in writing when the complainant's request has been forwarded to another agency unless otherwise provided pursuant to Subsection H of Section 10 of the State Ethics Commission Act.

E. The commission HJC→~~shall~~←HJC HJC→~~may~~←HJC share jurisdiction with other public agencies having authority to act on a complaint or any aspect of a complaint. Such shared jurisdiction shall be formalized through an agreement entered into by all participating agencies involved with the complaint and the director. The commission may also investigate a complaint referred to the commission by the legislature, or a legislative committee, in accordance with an agreement entered into pursuant to policies of the New Mexico legislative council or rules of the house of representatives or senate.

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

SECTION 10. [NEW MATERIAL] COMPLAINTS--INVESTIGATIONS--

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SUBPOENAS.--

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

B. The complainant shall set forth in detail the specific charges against the respondent and the factual allegations that support the charges and shall sign the complaint under penalty of false statement. The complainant shall submit any evidence the complainant has that supports the complaint. Evidence may include documents, records and names of witnesses. The commission shall prescribe the forms on which complaints are to be filed. The complaint form shall be signed and sworn by the complainant and notarized.

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

D. The director shall determine if the complaint is subject to referral to another state agency pursuant to an agreement or outside the jurisdiction of the commission, and if so, promptly refer the complaint to the appropriate agency. If the director determines that the complaint is within the

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commission's jurisdiction, the director shall HJC→have the
general counsel←HJC initiate an investigation.

E. The HJC→director←HJC HJC→general counsel←HJC shall conduct an investigation to determine whether the complaint is frivolous or unsubstantiated. If the HJC→director←HJC HJC→general counsel←HJC determines that the complaint is frivolous or unsubstantiated, the complaint shall be dismissed, and the complainant and respondent shall be notified in writing of the decision and reasons for the dismissal. The commission shall not make public a complaint that has been dismissed pursuant to this subsection or the reasons for the dismissal.

F. If the HJC→director←HJC HJC→general counsel←HJC and the respondent reach a settlement on the matters of the complaint, the settlement shall be submitted to the commission for its approval, and if the matter has been resolved to the satisfaction of the commission, the complaint and terms of the settlement shall be subject to public disclosure.

~~HJC→G. If the director determines that there is probable cause, the director shall promptly notify HJC→SJC→the hearing officer,←SJC←HJC HJC→the hearing officer,←HJC the respondent HJC→SJC→and the complainant←SJC←HJC HJC→and the complainant←HJC that the complaint is being investigated and of the specific allegations in the complaint that are being~~

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~~investigated. ←HJC HJC→SJC→If a settlement is not reached within forty-five days, the director shall notify the complainant and the hearing officer that a public hearing will be set. The notification, complaint, specific allegations that have been investigated and any response to the complaint shall be made public. ←SJC←HJC~~

~~Hf1→HJC→G. If the general counsel determines that there is probable cause, the director shall promptly notify the respondent and complainant of the finding of probable cause and of the specific allegations in the complaint that are being investigated and that a public hearing will be set. The notification, complaint, specific allegations being investigated and any response to the complaint shall be made public twenty days following notice to the respondent. ←HJC←Hf1~~

~~Hf1→Hf1→G. If the director determines that there is probable cause, the director shall promptly notify the hearing officer, the respondent and the complainant that the complaint is being investigated and of the specific allegations in the complaint that are being investigated. ←Hf1←Hf1~~

G. Hf1→If the general counsel determines that there is probable cause, the director shall promptly notify the respondent of the finding of probable cause and of the specific allegations in the complaint that are being investigated and that a public hearing will be set. If the finding of probable

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cause involves a discriminatory practice or actions by the respondent against the complainant, no settlement agreement shall be reached without prior consultation with the complainant. In any case, the notification, complaint, specific allegations being investigated and any response to the complaint shall be made public thirty days following notice to the respondent.

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

I. As part of an investigation, the director HJC general counsel HJC may administer oaths HJC Sfl2, and Sfl2 HJC HJC interview witnesses HJC Sfl2 and examine books, records, documents and other evidence reasonably related to the complaint HJC HJC and examine books, records, documents and other evidence reasonably related to the complaint HJC. All testimony in an investigation shall be under oath, and the respondent Hfl has

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~~the right to~~ may be represented by legal counsel
HJC provided that a respondent is only entitled to legal
representation pursuant to subsection K of this
section Sfl4 HJC. If the HJC director HJC general
counsel HJC determines that a subpoena is necessary to obtain
the testimony of a person or the production of books, records,
documents or other evidence, the director shall request that
the commission petition a district court to issue a subpoena
Hfl under seal Hfl.

J. The commission may petition the court for a
subpoena for the attendance and examination of witnesses or for
the production of books, records, documents or other evidence
reasonably related to an investigation. If a person neglects
or refuses to comply with a subpoena, the commission may apply
to a district court for an order enforcing the subpoena and
compelling compliance. Hfl A challenge to a subpoena shall be
heard by the district court in a confidential proceeding Hfl

Hfl All proceedings in the district court prior to the
complaint being made public pursuant to Subsection G of this
section, or upon entry of a settlement agreement, shall be
sealed. A case is automatically unsealed upon notice by the
commission to the court that the commission has made the
complaint public Hfl. No later than July 1 of each
even-numbered year, the chief justice of the supreme court
shall appoint an active or pro tempore district judge to
consider the issuance and enforcement of subpoenas provided for

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in this section. The appointment shall end on June 30 of the next even-numbered year after appointment.

K. A HJC→~~Sf15~~→state←~~Sf15~~←HJC HJC→state←HJC public official or state public employee who is a respondent who is subject to a complaint alleging a violation made in the performance of the respondent's duties shall be entitled to representation by the risk management division of the general services department.

**SECTION 11. [NEW MATERIAL] STATUS OF INVESTIGATION--
REPORTS TO COMMISSION.--**

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

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

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

SECTION 12. [NEW MATERIAL] INVESTIGATION REPORT-- COMMISSION HEARINGS--DECISIONS AND REASONS GIVEN--DISCLOSURE OF AN ETHICS VIOLATION.--

A. Upon receipt of the HJC→~~director's~~←HJC HJC→~~general counsel's~~←HJC recommendation, the HJC→~~commission~~ or←HJC hearing officer shall:

- (1) dismiss a complaint and notify the complainant and the respondent of the dismissal; or
- (2) set a SJC→~~public~~←SJC hearing, as soon as practicable.

B. At any time before or during a hearing provided for in Subsection A of this section, the hearing officer may, at a public meeting, approve a disposition of a complaint agreed to by the HJC→~~director~~←HJC HJC→~~general counsel~~←HJC and the respondent HJC→, as approved by the commission←HJC.

C. The hearing provided for in Subsection A of this section shall be pursuant to the rules of evidence that govern proceedings in the state's courts and procedures established by the commission. An audio recording shall be made of the hearing. The respondent may be represented by counsel. The parties may present evidence and testimony, Hfl→~~request the~~ ~~director to~~←Hfl compel the presence of witnesses and examine

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and cross-examine witnesses.

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

E. The complainant or respondent may appeal a decision of the hearing officer within thirty days of the decision to the full commission, which shall hear the matter within sixty days of notice of the appeal ~~Sf17~~ and issue its decision within 180 days ~~Sf17~~. HJC ~~Sf16~~ ~~The commission shall uphold a decision if there is substantial evidence to support the decision in the record.~~ ~~Sf16~~ HJC Hf1 ~~HJC~~ ~~The commission shall uphold a decision if there is substantial evidence to support the decision in the record.~~ ~~HJC~~ Hf1

F. Hf1 ~~HJC~~ ~~If it is found that the respondent's conduct constituted a violation, the commission shall issue a written report and provide the decision and report to HJC~~ ~~SJC~~ ~~the complainant and~~ ~~SJC~~ ~~HJC~~ ~~the respondent~~ ~~HJC~~ ~~HJC~~ ~~The commission shall publicly disclose a decision, including a dismissal or terms of a settlement, issued~~

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~~pursuant to this section. The commission shall provide the decision to the complainant, the respondent~~←HJC←Hf1
 Hf1→Hf1→~~If it is found that the respondent's conduct constituted a violation, the commission shall issue a written report and provide the decision and report to the respondent~~←Hf1←Hf1 Hf1→The commission shall publicly disclose a decision, including a dismissal following a finding of probable cause or the terms of a settlement, issued pursuant to this section. The commission shall provide the decision to the complainant, the respondent←Hf1 and the:

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

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

(3) respondent's appointing authority if the respondent is an appointed public official;

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

(5) public agency with which the respondent has a government contract if the respondent is a government contractor; HJC→and←HJC

(6) secretary of state and the respondent's employer, if any, HJC→of←HJC HJC→if←HJC the respondent is a lobbyist HJC→; .←HJC

HJC→~~(7) public education department if the~~

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~~respondent is a member of a local school board or of the governing authority of a state-chartered charter school; or (8) local school board if the respondent is a member of the governing authority of a locally chartered charter school.~~ ←HJC

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

- (1) the number of complaints filed with and referred to the commission;
- (2) the disposition of the complaints; and
- (3) the type of violation alleged in the complaints.

SECTION 13. [NEW MATERIAL] CONFIDENTIALITY OF RECORDS-- PENALTY.--

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

B. If a complaint is determined to be frivolous, unsubstantiated or outside the jurisdiction of the commission, the complaint shall not be made public Hfl→HJC→by the

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~~commission; provided that the complainant or respondent may release the commission's decision~~ ←HJC ←Hf1 Hf1 →by the commission; provided that the commission shall not prohibit the complainant or respondent from releasing the commission's decision or other information concerning the complaint ←Hf1.

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

- (1) disclosure is necessary to pursue an investigation by the commission;
- (2) disclosure is required pursuant to the provisions of the State Ethics Commission Act; or
- (3) they are offered into evidence by the commission, respondent or another party at a judicial, legislative or administrative proceeding, including a hearing before a hearing officer HJC → ~~of the commission in which there is a finding of a violation~~ ←HJC.

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

E. A commissioner, director, staff or contractor who knowingly discloses any confidential complaint, report,

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file, record or communication in violation of the State Ethics Commission Act is guilty of a petty misdemeanor.

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

SECTION 15. [NEW MATERIAL] TIME LIMITATIONS ON
JURISDICTION.--

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

- (1) on which the alleged conduct occurred; or
- (2) the alleged conduct could reasonably have been discovered.

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

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

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

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

SECTION 16. [NEW MATERIAL] PROHIBITED ACTIONS.--

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

- (1) files a verified complaint with the commission that alleges a violation; or
- (2) provides testimony, records, documents or other information to the commission during an investigation or at a hearing.

B. A complainant and a respondent Hfl ~~undergoing investigation or a hearing process~~ Hfl shall not communicate ex

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

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

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

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

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

- (1) a statement of [~~exception~~] no activity;
- (2) a report of expenditures and contributions;
- (3) an advisory opinion issued by the [~~secretary of~~] state ethics commission; except for the name of the person who requested the opinion;
- (4) a document specified as a public record in the Campaign Reporting Act; and
- (5) an arbitration decision issued by an arbitration panel and filed with the secretary of state or state ethics commission.

B. Each public record described in Subsection A of .215080.1

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

C. The secretary of state shall provide for electronic access to reports of expenditures and contributions and statements of [~~exception~~] no activity submitted electronically by reporting individuals. Electronic access shall include access via the internet and shall be in an easily searchable format."

Hf2→SECTION 18. Section 1-19-34.1 NMSA 1978 (being Laws 1993, Chapter 46, Section 12, as amended) is amended to read:

"1-19-34.1. LEGISLATIVE SESSION FUNDRAISING

PROHIBITION.--

A. It is unlawful during the prohibited period for a state legislator, the attorney general, the secretary of state, the state treasurer, the commissioner of public lands or the state auditor or a candidate for state legislator, attorney general, secretary of state, state treasurer, commissioner of public lands or state auditor, or any agent on behalf of [~~either~~] the attorney general, the secretary of state, the state treasurer, the commissioner of public lands or the state auditor or a candidate for attorney general, the secretary of state, state treasurer, commissioner of public lands or state auditor, to knowingly solicit a contribution [~~for a political purpose~~] governed by the Campaign Reporting Act. For purposes

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of this subsection, "prohibited period" means that period beginning January 1 prior to any regular session of the legislature or, in the case of a special session, after the proclamation has been issued, and ending on adjournment of the regular or special session.

B. It is unlawful during the prohibited period for the governor or the lieutenant governor, or any agent on [his] the governor's or the lieutenant governor's behalf, to knowingly solicit a contribution [for a political purpose] governed by the Campaign Reporting Act. For purposes of this subsection, "prohibited period" means that period beginning January 1 prior to any regular session of the legislature or, in the case of a special session, after the proclamation has been issued, and ending on the twentieth day following the adjournment of the regular or special session."←Hf2

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

"[NEW MATERIAL] STATE ETHICS COMMISSION--JURISDICTION.--

A. On and after January 1, 2020:

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

(2) the state ethics commission shall share jurisdiction to investigate and adjudicate complaints, or any

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aspect of a complaint, with the secretary of state as formalized through an agreement. The secretary of state shall forward complaints it receives alleging violations of the Campaign Reporting Act to the state ethics commission in accordance with the agreement.

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

SECTION ~~19.~~ 20. A new section of the Voter Action Act is enacted to read:

"[NEW MATERIAL] STATE ETHICS COMMISSION--JURISDICTION.--

A. On and after January 1, 2020:

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

(2) the state ethics commission shall share jurisdiction to investigate and adjudicate complaints, or any aspect of a complaint, with the secretary of state as formalized through an agreement. The secretary of state shall forward complaints it receives alleging violations of the Voter Action Act to the state ethics commission in accordance with the agreement.

B. The state ethics commission and the secretary of

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state shall make recommendations to the first session of the fifty-fifth legislature on any changes to the Voter Action Act necessary for the efficient administration and enforcement of the provisions of that act."

SECTION ~~20.~~ 21. A new section of the Lobbyist Regulation Act is enacted to read:

"[NEW MATERIAL] STATE ETHICS COMMISSION--JURISDICTION.--

A. On and after January 1, 2020:

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

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

B. The state ethics commission and the secretary of state shall make recommendations to the first session of the fifty-fifth legislature on any changes to the Lobbyist Regulation Act necessary for the efficient administration and enforcement of the provisions of that act."

SJC → ~~SECTION 21. Section 2-15-8 NMSA 1978 (being Laws~~

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~~1993, Chapter 46, Section 53) is amended to read:~~

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

~~The interim legislative ethics committee is authorized to:~~

~~A. issue advisory opinions on the interpretation and enforcement of ethical principles as applied to the legislature and that are not under the jurisdiction of the state ethics commission;~~

~~B. investigate complaints from another member of the legislature or a member of the public alleging misconduct of a legislator;~~

~~C. investigate referrals made to the [co-chairmen] co-chairs of the New Mexico legislative council from the state ethics commission, attorney general, the secretary of state or a district attorney;~~

~~D. hire special counsel or independent hearing officers as necessary; and~~

~~E. make recommendations to the respective houses by the end of the first full week of the next convened regular session regarding proposed sanctions for ethical misconduct."~~ ←SJC

SJC→SECTION 21. 22. Section 2-15-8 NMSA 1978 (being Laws 1993, Chapter 46, Section 53) is amended to read:

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

A. The interim legislative ethics committee is authorized to:

[A.] (1) issue advisory opinions on the

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interpretation and enforcement of ethical principles as applied to the legislature and that are not under the jurisdiction of the state ethics commission;

[B.] (2) investigate complaints from another member of the legislature or a member of the public alleging misconduct of a legislator;

[C.] (3) investigate referrals made to the [co-chairmen] co-chairs of the New Mexico legislative council from the state ethics commission, the attorney general, the secretary of state or a district attorney;

[D.] (4) hire special counsel, arbitrators or independent hearing officers as necessary; and

[E.] (5) make recommendations to the respective houses [by the end of the first full week of the next convened regular session] regarding proposed sanctions for ethical misconduct.

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

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

SECTION ~~22.~~ 23. Section 10-16-11 NMSA 1978 (being Laws

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1967, Chapter 306, Section 11, as amended) is amended to read:

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

A. [~~By January 1, 1994~~] Each elected statewide executive branch public officer shall adopt a general code of conduct for employees subject to [~~his~~] the officer's control. The New Mexico legislative council shall adopt a general code of conduct for all legislative branch employees. The general codes of conduct shall be based on the principles set forth in the Governmental Conduct Act.

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

C. The head of every executive and legislative agency and institution of the state may draft a separate code of conduct for all public officers and employees in that agency or institution. The separate agency code of conduct shall prescribe standards, in addition to those set forth in the Governmental Conduct Act and the general codes of conduct for all executive and legislative branch public officers and employees, that are peculiar and appropriate to the function and purpose for which the agency or institution was created or exists. The separate codes, upon approval of the responsible executive branch public officer for executive branch public

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officers and employees or the New Mexico legislative council for legislative branch employees, govern the conduct of the public officers and employees of that agency or institution and, except for those public officers and employees removable only by impeachment, shall, if violated, constitute cause for dismissal, demotion or suspension. The head of each executive and legislative branch agency shall adopt ongoing education programs to advise public officers and employees about the codes of conduct. All codes shall be filed with the [~~secretary of~~] state ethics commission and are open to public inspection.

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

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

SECTION ~~23.~~ **24.** Section 10-16-13.1 NMSA 1978 (being Laws 1993, Chapter 46, Section 35) is amended to read:

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

A. The [~~secretary of~~] state ethics commission shall advise and seek to educate all persons required to perform duties under the Governmental Conduct Act of those duties.

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This includes advising all those persons at least annually of that act's ethical principles.

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

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

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

A. The [~~secretary of~~] state ethics commission may [~~refer~~] investigate suspected violations of the Governmental Conduct Act and forward its findings and evidence to the attorney general, district attorney or appropriate state agency or legislative body for enforcement. If a suspected violation involves the office of the [~~secretary of~~] state ethics commission, the attorney general may enforce that act. If a suspected violation involves the office of the attorney general, a district attorney may enforce that act.

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

C. If the [~~attorney general~~] state ethics commission determines that there is sufficient cause to file a

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complaint [~~against~~] to remove from office a public officer removable only by impeachment, [~~he~~] the commission shall refer the matter to the house of representatives of the legislature. If within thirty days after the referral the house of representatives has neither formally declared that the charges contained in the complaint are not substantial nor instituted hearings on the complaint, the [~~attorney general~~] state ethics commission shall make public the nature of the charges but [~~he~~] shall make clear that the merits of the charges have never been determined. Days during which the legislature is not in session shall not be included in determining the thirty-day period.

D. Violation of the provisions of the Governmental Conduct Act by any public officer or employee, other than those covered by Subsection C of this section, is grounds for discipline, including dismissal, demotion or suspension. Complaints against executive branch employees may be filed with the agency head and reviewed pursuant to the procedures provided in the Personnel Act. Complaints against legislative branch employees may be filed with and reviewed pursuant to procedures adopted by the New Mexico legislative council. Complaints against judicial branch employees may be filed and reviewed pursuant to the procedures provided in the judicial personnel rules. Complaints against employees subject to the State Ethics Commission Act may also be filed with the state

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ethics commission, which shall determine whether to forward a complaint to the appropriate state agency or investigate the complaint on its own.

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

SECTION 25. 26. Section 10-16-18 NMSA 1978 (being Laws 1995, Chapter 153, Section 23) is amended to read:

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

A. If the ~~[secretary of]~~ state ethics commission reasonably believes that a person committed, or is about to commit, a violation of the Governmental Conduct Act, the ~~[secretary of]~~ state ~~[shall]~~ ethics commission may refer the matter to the attorney general or a district attorney for enforcement.

B. The state ethics commission may institute a civil action in district court or refer a matter to the attorney general or a district attorney ~~[may]~~ to institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Governmental

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Conduct Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred fifty dollars (\$250) for each violation not to exceed five thousand dollars (\$5,000)."

SECTION ~~26.~~ 27. Section 10-16A-1 NMSA 1978 (being Laws 1993, Chapter 46, Section 39) is amended to read:

"10-16A-1. SHORT TITLE--FINANCIAL DISCLOSURE ACT.--
[Sections 39 through 45 of this act] Chapter 10, Article 16A
NMSA 1978 may be cited as the "Financial Disclosure Act"."

SECTION ~~27.~~ 28. Section 10-16A-5 NMSA 1978 (being Laws 1993, Chapter 46, Section 43) is amended to read:

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

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

B. The secretary of state shall seek first to ensure voluntary compliance with the provisions of the Financial Disclosure Act. A person who violates that act unintentionally or for good cause shall be given ten days' notice to correct the matter before fines are imposed.
Referrals to the state ethics commission for civil enforcement

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of the Financial Disclosure Act shall be pursued only after efforts to secure voluntary compliance with that act have failed."

SECTION ~~28.~~ 29. Section 10-16A-6 NMSA 1978 (being Laws 1993, Chapter 46, Section 44, as amended) is amended to read:

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

A. The state ethics commission and the secretary of state may conduct thorough examinations of statements and initiate investigations to determine whether the Financial Disclosure Act has been violated. Any person who believes that act has been violated may file a written complaint with the ~~[secretary of]~~ state ethics commission. The ~~[secretary of state]~~ commission shall adopt procedures for processing complaints and notifications of violations.

B. If the ~~[secretary of]~~ state ethics commission determines that a violation has occurred for which a penalty should be imposed, the ~~[secretary of state]~~ commission shall so notify the person charged and impose the penalty. If the person charged disputes the ~~[secretary of state's]~~ commission's determination, the person charged may request binding arbitration.

C. The arbitration decision shall be decided by a single arbitrator selected within ten days by the person against whom the penalty has been imposed from a list of five arbitrators provided by the ~~[secretary of]~~ state ethics

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commission. No arbitrator may be a person subject to the Financial Disclosure Act, Campaign Reporting Act or Lobbyist Regulation Act. Arbitrators shall be considered to be independent contractors, not public officers or employees, and shall not be paid per diem and mileage.

D. The arbitrator may take any action the [~~secretary of~~] state ethics commission is authorized to take. The arbitrator shall state the reasons for [~~his~~] the decision in a written document that shall be a public record. The decision shall be final and binding. The decision shall be issued within thirty days of the conclusion of the hearing. Unless otherwise provided for in this section, or by rule or regulation adopted by the [~~secretary of~~] state ethics commission, the procedures for the arbitration shall be governed by the Uniform Arbitration Act. No arbitrator shall be subject to liability for actions taken pursuant to this section.

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

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dollars (\$5,000).

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

SECTION ~~29.~~ 30. Section 10-16A-8 NMSA 1978 (being Laws 1995, Chapter 153, Section 25) is amended to read:

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

A. If the [~~secretary of~~] state ethics commission reasonably believes that a person committed, or is about to commit, a violation of the Financial Disclosure Act, the [~~secretary of state shall~~] commission may refer the matter to the attorney general or a district attorney for enforcement.

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

SECTION ~~30.~~ 31. Section 10-16B-1 NMSA 1978 (being Laws 2007, Chapter 226, Section 1) is amended to read:

"10-16B-1. SHORT TITLE.--~~[This act]~~ Chapter 10, Article
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16B NMSA 1978 may be cited as the "Gift Act".

SECTION ~~31.~~ 32. A new section of the Gift Act is enacted to read:

"[NEW MATERIAL] INVESTIGATIONS--COMPLAINTS--ENFORCEMENT.--

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

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

Sf1→SJC→SECTION 32. A new section of the Procurement Code is enacted to read:

~~"[NEW MATERIAL] STATE ETHICS COMMISSION JURISDICTION.--The state ethics commission may investigate complaints against a contractor who has a contract with a state agency, school district or charter school or a person who has submitted a competitive sealed proposal or competitive sealed bid for a contract with a state agency, school district or charter school. The state ethics commission may impose the civil penalties authorized in Sections 13-1-196 through 13-1-198 NMSA 1978 pursuant to the provisions of those sections."~~←SJC ←Sf1

HJC→SECTION 32, 33. A new section of the Procurement Code is enacted to read:

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"[NEW MATERIAL] STATE ETHICS COMMISSION JURISDICTION.--The state ethics commission may investigate complaints against a contractor who has a contract with a state agency HJC→, ~~school district or charter school~~←HJC or a person who has submitted a competitive sealed proposal or competitive sealed bid for a contract with a state agency HJC→, ~~school district or charter school~~←HJC. The state ethics commission may impose the civil penalties authorized in Sections 13-1-196 through 13-1-198 NMSA 1978 pursuant to the provisions of those sections."←HJC

~~SJC→SECTION 32. Section 2-6-1 NMSA 1978 (being Laws 1961, Chapter 2, Section 1, as amended) is amended to read:~~

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

~~A. A bill shall not be accepted for filing until after the beginning of the prohibited period for soliciting campaign contributions provided for in Section 1-19-34.1 NMSA 1978.~~

~~B. No bill shall be introduced at any regular session of the legislature subsequent to the thirtieth legislative day in sessions held in the odd-numbered years or subsequent to the fifteenth legislative day in sessions held in the even-numbered years. The limitation provided in this [section] subsection does not apply to the general appropriation bill, bills to provide for the current expenses of the government and such bills as may be referred to the legislature by the governor by special message specifically~~

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~~setting forth the emergency or necessity requiring such legislation."~~

~~SECTION 33. Section 2-11-2 NMSA 1978 (being Laws 1977, Chapter 261, Section 2, as amended) is amended to read:~~

~~"2-11-2. DEFINITIONS.--As used in the Lobbyist Regulation Act:~~

~~A. "compensation" means any money, per diem, salary, fee or portion thereof or the equivalent in services rendered or in-kind contributions received or to be received in return for lobbying services performed or to be performed;~~

~~B. "expenditure" means a payment, transfer or distribution or obligation or promise to pay, transfer or distribute any money or other thing of value but does not include a lobbyist's own personal living expenses and the expenses incidental to establishing and maintaining an office in connection with lobbying activities or compensation paid to a lobbyist by a lobbyist's employer;~~

~~C. "legislative committee" means a committee created by the legislature, including interim and standing committees of the legislature;~~

~~D. "lobbying" means attempting to influence:
(1) a decision related to any matter to be considered or being considered by the legislative branch of state government or any legislative committee or any legislative matter requiring action by the governor or awaiting~~

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~~action by the governor; or~~

~~(2) an official action;~~

~~E. "lobbyist" means any individual who is compensated for the specific purpose of lobbying; is designated by an interest group or organization to represent it on a substantial or regular basis for the purpose of lobbying; or in the course of [his] employment, is engaged in lobbying on a substantial or regular basis. "Lobbyist" does not include:~~

~~(1) an individual who appears on [his] the individual's own behalf in connection with legislation or an official action;~~

~~(2) [any] an elected or appointed officer of the state or its political subdivisions or an Indian nation, tribe or pueblo acting in [his] the officer's official capacity;~~

~~(3) an employee of the state or its political subdivisions, specifically designated by an elected or appointed officer of the state or its political subdivision, who appears before a legislative committee or in a rulemaking proceeding only to explain the effect of legislation or a rule on [his] the designated employee's agency or political subdivision; provided that the elected or appointed officer of the state or its political subdivision keeps for public inspection and files with the secretary of state such designation;~~

~~(4) [any] a designated member of the staff of~~

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~~an elected state official; provided that the elected state official keeps for public inspection and files with the secretary of state such designation;~~

~~(5) a member of the legislature, the staff of [any] a member of the legislature or the staff of [any] a legislative committee when addressing legislation;~~

~~(6) [any] a witness called by a legislative committee or administrative agency to appear before that legislative committee or agency in connection with legislation or an official action;~~

~~(7) an individual who provides only oral or written public testimony in connection with a legislative committee or in a rulemaking proceeding and whose name and the interest on behalf of which [he] the individual testifies have been clearly and publicly identified; [or]~~

~~(8) the executive director of a nonprofit or an intergovernmental or trade association organized under the provisions of Section 501(c) of the Internal Revenue Code of 1986 who provides oral or written public testimony in connection with a legislative committee or in a rulemaking proceeding and whose name and organization have been clearly and publicly identified; or~~

~~{(8)} (9) a publisher, owner or employee of the print media, radio or television, while gathering or disseminating news or editorial comment to the general public~~

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~~in the ordinary course of business;~~

~~F. "lobbyist's employer" means the person whose interests are being represented and by whom a lobbyist is directly or indirectly retained, compensated or employed;~~

~~G. "official action" means the action or nonaction of a state official or state agency, board or commission acting in a rulemaking proceeding;~~

~~H. "person" means an individual, partnership, association, committee, federal, state or local governmental entity or agency, however constituted, public or private corporation or any other organization or group of persons who are voluntarily acting in concert;~~

~~I. "political contribution" means a gift, subscription, loan, advance or deposit of [any] money or other thing of value, including the estimated value of an in-kind contribution, that is made or received for the purpose of influencing a primary, general or statewide election, including a constitutional or other question submitted to the voters, or for the purpose of paying a debt incurred in any such election;~~

~~J. "prescribed form" means a form prepared and prescribed by the secretary of state;~~

~~K. "rulemaking proceeding" means a formal process conducted by a state agency, board or commission for the purpose of adopting a rule, regulation, standard, policy or other requirement of general applicability and does not include adjudicatory proceedings; and~~

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~~L. "state public officer" means a person holding a statewide office provided for in the constitution of New Mexico."~~

~~SECTION 34. Section 10-15-1 NMSA 1978 (being Laws 1974, Chapter 91, Section 1, as amended) is amended to read:~~

~~"10-15-1. FORMATION OF PUBLIC POLICY--PROCEDURES FOR OPEN MEETINGS--EXCEPTIONS AND PROCEDURES FOR CLOSED MEETINGS.--"~~

~~A. In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. The formation of public policy or the conduct of business by vote shall not be conducted in closed meeting. All meetings of any public body except the legislature and the courts shall be public meetings, and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. Reasonable efforts shall be made to accommodate the use of audio and video recording devices.~~

~~B. All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy,~~

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~~including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting.~~

~~C. If otherwise allowed by law or rule of the public body, a member of a public body may participate in a meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person; provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.~~

~~D. Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall~~

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~~determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body. That notice shall include broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.~~

~~E. A public body may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the public body specifies the date, time and place for continuation of the meeting and, immediately following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.~~

~~F. Meeting notices shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency or in the case of a public body that ordinarily meets more frequently than once per week, at least seventy-two hours prior to the meeting, the agenda shall be available to the public and posted on the public body's [web site] website, if one is maintained. A public body that ordinarily meets more~~

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~~frequently than once per week shall post a draft agenda at least seventy-two hours prior to the meeting and a final agenda at least thirty-six hours prior to the meeting. Except for emergency matters, a public body shall take action only on items appearing on the agenda. For purposes of this subsection, "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body. Within ten days of taking action on an emergency matter, the public body shall report to the [attorney general's office] state ethics commission the action taken and the circumstances creating the emergency; provided that the requirement to report to the [attorney general] state ethics commission is waived upon the declaration of a state or national emergency.~~

~~G. The board, commission or other policymaking body shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body.~~

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~~H. The provisions of Subsections A, B and G of this section do not apply to:~~

~~(1) meetings pertaining to issuance, suspension, renewal or revocation of a license, except that a hearing at which evidence is offered or rebutted shall be open.~~

~~All final actions on the issuance, suspension, renewal or revocation of a license shall be taken at an open meeting;~~

~~(2) limited personnel matters; provided that for purposes of the Open Meetings Act, "limited personnel matters" means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this paragraph is not to be construed as to exempt final actions on personnel from being taken at open public meetings, nor does it preclude an aggrieved public employee from demanding a public hearing. Judicial candidates interviewed by any commission shall have the right to demand an open interview;~~

~~(3) deliberations by a public body in connection with an administrative adjudicatory proceeding. For purposes of this paragraph, "administrative adjudicatory proceeding" means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing.~~

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~~Except as otherwise provided in this section, the actual administrative adjudicatory proceeding at which evidence is offered or rebutted and any final action taken as a result of the proceeding shall occur in an open meeting;~~

~~(4) the discussion of personally identifiable information about any individual student, unless the student or the student's parent or guardian requests otherwise;~~

~~(5) meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present;~~

~~(6) that portion of meetings at which a decision concerning purchases in an amount exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source is discussed and that portion of meetings at which the contents of competitive sealed proposals solicited pursuant to the Procurement Code are discussed during the contract negotiation process. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;~~

~~(7) meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant;~~

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~~(8) meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body;~~

~~(9) those portions of meetings of committees or boards of public hospitals where strategic and long-range business plans or trade secrets are discussed; [and]~~

~~(10) that portion of a meeting of the gaming control board dealing with information made confidential pursuant to the provisions of the Gaming Control Act; and~~

~~(11) except as provided in the State Ethics Commission Act, meetings of the state ethics commission or its committees that relate to complaints or investigations.~~

~~I. If any meeting is closed pursuant to the exclusions contained in Subsection H of this section:~~

~~(1) the closure, if made in an open meeting, shall be approved by a majority vote of a quorum of the policymaking body; the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting; or~~

~~(2) if a closure is called for when the~~

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~~polycymaking body is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed is given to the members and to the general public.~~

~~J. Following completion of any closed meeting, the minutes of the open meeting that was closed or the minutes of the next open meeting if the closed meeting was separately scheduled shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the public body under Subsection G of this section as part of the minutes."~~

~~SECTION 35. Section 10-15-3 NMSA 1978 (being Laws 1974, Chapter 91, Section 3, as amended) is amended to read:~~

~~"10-15-3. INVALID ACTIONS--STANDING.--"~~

~~A. No resolution, rule, regulation, ordinance or action of any board, commission, committee or other polycymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978. Every resolution, rule, regulation, ordinance or action of any board, commission, committee or other polycymaking body shall be presumed to have been taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978.~~

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~~B. Civil enforcement of all provisions of the Open Meetings Act shall be [enforced] by the [attorney general or by the district attorney in the county of jurisdiction] state ethics commission. However, nothing in that act shall prevent an individual from independently applying for enforcement through the district courts; provided that the individual first provides written notice of the claimed violation to the public body and that the public body has denied or not acted on the claim within fifteen days of receiving it. A public meeting held to address a claimed violation of the Open Meetings Act shall include a summary of comments made at the meeting at which the claimed violation occurred.~~

~~C. The district courts of this state shall have jurisdiction, upon the application of any person to enforce the purpose of the Open Meetings Act, by injunction, mandamus or other appropriate order. The court shall award costs and reasonable attorney fees to any person who is successful in bringing a court action to enforce the provisions of the Open Meetings Act. If the prevailing party in a legal action brought under this section is a public body defendant, it shall be awarded court costs. A public body defendant that prevails in a court action brought under this section shall be awarded its reasonable attorney fees from the plaintiff if the plaintiff brought the action without sufficient information and belief that good grounds supported it.~~

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~~D. No section of the Open Meetings Act shall be construed to preclude other remedies or rights not relating to the question of open meetings."~~

~~SECTION 36. Section 13-1-177 NMSA 1978 (being Laws 1984, Chapter 65, Section 150, as amended) is amended to read:~~

~~"13-1-177. AUTHORITY TO SUSPEND OR DEBAR.--~~

~~A. The [state purchasing agent or a central purchasing office] state ethics commission, after consultation with the using agency, may suspend a person from consideration for award of contracts if the [state purchasing agent or central purchasing office] state ethics commission, after reasonable investigation, finds that a person has engaged in conduct that constitutes cause for debarment pursuant to Section 13-1-178 NMSA 1978.~~

~~B. The term of a suspension pursuant to this section shall not exceed three months; however, if a person, including a bidder, offeror or contractor, has been charged with a criminal offense that would be a cause for debarment pursuant to Section 13-1-178 NMSA 1978, the suspension shall remain in effect until the criminal charge is resolved and the person is debarred or the reason for suspension no longer exists.~~

~~C. The [state purchasing agent or a central purchasing office] state ethics commission, after reasonable notice to the person involved, shall have authority to [recommend to the governing authority of a state agency or a~~

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~~local public body the debarment of} debar a person for cause from consideration for award of contracts, other than contracts for professional services. The debarment shall not be for a period of more than three years. The authority to debar shall be exercised by the [governing authority of a state agency or a local public body] state ethics commission in accordance with rules that shall provide for reasonable notice and a fair hearing prior to debarment.~~

~~D. As used in this section, the terms "person", "bidder", "offeror" and "contractor" include principals, officers, directors, owners, partners and managers of the person, bidder, offeror or contractor."~~

~~SECTION 37. Section 13-1-178 NMSA 1978 (being Laws 1984, Chapter 65, Section 151, as amended) is amended to read:~~

~~"13-1-178. CAUSES FOR DEBARMENT OR SUSPENSION--TIME LIMIT.--~~

~~A. The causes for debarment or suspension occurring within three years of the date final action on a procurement is taken include but are not limited to the following:~~

~~(1) criminal conviction of a bidder, offeror or contractor for commission of a criminal offense related to obtaining unlawfully or attempting to obtain a public or private contract or subcontract, or related to the unlawful performance of such contract or subcontract;~~

~~(2) civil judgment against a bidder, offeror~~

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~~or contractor for a civil violation related to obtaining unlawfully or attempting to obtain a public or private contract or subcontract, or related to the unlawful performance of such contract or subcontract;~~

~~(3) conviction of a bidder, offeror or contractor under state or federal statutes related to embezzlement, theft, forgery, bribery, fraud, falsification or destruction of records, making false statements or receiving stolen property or for violation of federal or state tax laws;~~

~~(4) conviction of a bidder, offeror or contractor under state or federal antitrust statutes relating to the submission of offers;~~

~~(5) criminal conviction against a bidder, offeror or contractor for any other offense related to honesty, integrity or business ethics;~~

~~(6) civil judgment against a bidder, offeror or contractor for a civil violation related to honesty, integrity or business ethics;~~

~~(7) civil judgment against a bidder, offeror or contractor pursuant to the Unfair Practices Act;~~

~~(8) violation by a bidder, offeror or contractor of contract provisions, as set forth in this paragraph, of a character that is reasonably regarded by the [state purchasing agent or a central purchasing office] state~~

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~~ethics commission to be so serious as to justify suspension or debarment action, including:~~

~~(a) willful failure to perform in accordance with one or more contracts; or~~

~~(b) a history of failure to perform or of unsatisfactory performance of one or more contracts; provided that this failure or unsatisfactory performance has occurred within a reasonable time preceding the decision to impose debarment; and provided further that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;~~

~~(9) any other cause that the [state purchasing agent or a central purchasing office] state ethics commission determines to be so serious and compelling as to affect responsibility as a contractor; or~~

~~(10) for a willful violation by a bidder, offeror or contractor of the provisions of the Procurement Code.~~

~~B. As used in this section, the terms "bidder", "offeror" and "contractor" include principals, officers, directors, owners, partners and managers of the bidder, offeror or contractor."~~

~~SECTION 38. Section 13-1-196 NMSA 1978 (being Laws 1984,~~

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~~Chapter 65, Section 169) is amended to read:~~

~~"13-1-196. CIVIL PENALTY.--Any person, firm or corporation that knowingly violates any provision of the Procurement Code is subject to a civil penalty of not more than one thousand dollars (\$1,000) for each procurement in violation of any provision of the Procurement Code. The [attorney general or the district attorney in the jurisdiction in which the violation occurs] state ethics commission is empowered to bring a civil action for the enforcement of any provision of the Procurement Code. Any penalty collected under the provisions of this section shall be credited to the general fund of the political subdivision in which the violation occurred and on whose behalf the suit was brought."~~

~~SECTION 39. Section 14-2-12 NMSA 1978 (being Laws 1993, Chapter 258, Section 9) is amended to read:~~

~~"14-2-12. ENFORCEMENT.--~~

~~A. An action to enforce the Inspection of Public Records Act may be brought by:~~

~~(1) the [attorney general or the district attorney in the county of jurisdiction] state ethics commission; or~~

~~(2) a person whose written request has been denied.~~

~~B. A district court may issue a writ of mandamus or order an injunction or other appropriate remedy to enforce the~~

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~~provisions of the Inspection of Public Records Act.~~

~~C. The exhaustion of administrative remedies shall not be required prior to bringing any action to enforce the procedures of the Inspection of Public Records Act.~~

~~D. The court shall award damages, costs and reasonable [attorneys'] attorney fees to any person whose written request has been denied and who is successful in a court action to enforce the provisions of the Inspection of Public Records Act."~~

~~SECTION 40. Section 34-10-2.1 NMSA 1978 (being Laws 1977, Chapter 289, Section 1) is amended to read:~~

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

~~A. Pursuant to the judicial standards commission's authority granted by Article 6, Section 32 of the constitution of New Mexico, any justice, judge or magistrate of any court may be disciplined or removed for willful misconduct in office, persistent failure or inability to perform the judge's duties or habitual intemperance, or may be retired for a disability that seriously interferes with the performance of the justice's, judge's or magistrate's duties and that is, or is likely to become, of a permanent character. The judicial standards commission is granted the same authority to regulate the conduct and character of members of the state ethics~~

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~~commission, court-appointed commissioners, judicial hearing officers, administrative law judges or special masters while acting in a judicial capacity.~~

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

~~(1) investigate all charges, complaints and allegations as to willful misconduct in office, persistent failure or inability to perform [a judge's] official duties or habitual intemperance, [of any justice, judge or magistrate of any court, and when] if the commission deems necessary, and hold a hearing on the charges, complaints or allegations concerning the discipline or removal of [such judicial officer] the official;~~

~~(2) investigate and, if the commission deems necessary, hold hearings on any charge, complaint or allegation that [a justice, judge or magistrate] an official listed in Subsection A of this section has suffered a disability that is seriously interfering with the performance of [his] the official's duties [which] and that is, or is likely to become, of a permanent character;~~

~~(3) if the commission deems it necessary or convenient, appoint three masters, who are justices or judges of courts of record, to hear and take evidence in any matter arising under Paragraph (1) or (2) of this subsection who shall~~

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~~report their findings to the commission; and~~

~~(4) after a hearing deemed necessary pursuant to Paragraph (2) of this subsection or after considering the record and the findings and report of the masters, if the commission finds good cause, [it shall] recommend to the supreme court the discipline, removal or retirement of the [justice, judge or magistrate] official.~~

~~[B.] C. In any investigation or hearing held under the provisions of this section, the commission [shall have the power to] may administer oaths and, with the concurrence of a majority of the members of the commission, [it may] petition a district court to subpoena witnesses, compel their attendance and examine them under oath or affirmation and require the production of any books, records, documents or other evidence it may deem relevant or material to an investigation upon a showing of probable cause."~~ ←SJC←Sf1

Sf1→Sf1→SECTION 32. A new section of the Procurement Code is enacted to read:

~~"[NEW MATERIAL] STATE ETHICS COMMISSION JURISDICTION.--The state ethics commission may investigate complaints against a contractor who has a contract with a state agency, school district or charter school or a person who has submitted a competitive sealed proposal or competitive sealed bid for a contract with a state agency, school district or charter~~

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~~school. The state ethics commission may impose the civil penalties authorized in Sections 13-1-196 through 13-1-198 NMSA 1978 pursuant to the provisions of those sections."~~←Sf1←Sf1

HJC→Sf1→SECTION 32. Section 2-6-1 NMSA 1978 (being Laws 1961, Chapter 2, Section 1, as amended) is amended to read:

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

~~A. A bill shall not be accepted for filing until after the beginning of the prohibited period for soliciting campaign contributions provided for in Section 1-19-34.1 NMSA 1978.~~

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

SECTION 33. Section 10-15-1 NMSA 1978 (being Laws 1974, Chapter 91, Section 1, as amended) is amended to read:

~~"10-15-1. FORMATION OF PUBLIC POLICY--PROCEDURES FOR OPEN~~

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~~MEETINGS--EXCEPTIONS AND PROCEDURES FOR CLOSED MEETINGS.--~~

~~A. In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. The formation of public policy or the conduct of business by vote shall not be conducted in closed meeting. All meetings of any public body except the legislature and the courts shall be public meetings, and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. Reasonable efforts shall be made to accommodate the use of audio and video recording devices.~~

~~B. All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times,~~

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~~except as otherwise provided in the constitution of New Mexico or the Open Meetings Act. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting.~~

~~C. If otherwise allowed by law or rule of the public body, a member of a public body may participate in a meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person; provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.~~

~~D. Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body. That notice shall include broadcast stations licensed by the federal communications commission and newspapers of general circulation~~

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~~that have provided a written request for such notice.~~

~~E. A public body may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the public body specifies the date, time and place for continuation of the meeting and, immediately following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.~~

~~F. Meeting notices shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency or in the case of a public body that ordinarily meets more frequently than once per week, at least seventy-two hours prior to the meeting, the agenda shall be available to the public and posted on the public body's [web site] website, if one is maintained. A public body that ordinarily meets more frequently than once per week shall post a draft agenda at least seventy-two hours prior to the meeting and a final agenda at least thirty-six hours prior to the meeting. Except for~~

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~~emergency matters, a public body shall take action only on items appearing on the agenda. For purposes of this subsection, "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body. Within ten days of taking action on an emergency matter, the public body shall report to the [attorney general's office] state ethics commission the action taken and the circumstances creating the emergency; provided that the requirement to report to the [attorney general] state ethics commission is waived upon the declaration of a state or national emergency.~~

~~G. The board, commission or other policymaking body shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body.~~

~~H. The provisions of Subsections A, B and C of this section do not apply to:~~

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~~(1) meetings pertaining to issuance, suspension, renewal or revocation of a license, except that a hearing at which evidence is offered or rebutted shall be open. All final actions on the issuance, suspension, renewal or revocation of a license shall be taken at an open meeting;~~

~~(2) limited personnel matters; provided that for purposes of the Open Meetings Act, "limited personnel matters" means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this paragraph is not to be construed as to exempt final actions on personnel from being taken at open public meetings, nor does it preclude an aggrieved public employee from demanding a public hearing. Judicial candidates interviewed by any commission shall have the right to demand an open interview;~~

~~(3) deliberations by a public body in connection with an administrative adjudicatory proceeding. For purposes of this paragraph, "administrative adjudicatory proceeding" means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing. Except as otherwise provided in this section, the actual~~

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~~administrative adjudicatory proceeding at which evidence is offered or rebutted and any final action taken as a result of the proceeding shall occur in an open meeting;~~

~~(4) the discussion of personally identifiable information about any individual student, unless the student or the student's parent or guardian requests otherwise;~~

~~(5) meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present;~~

~~(6) that portion of meetings at which a decision concerning purchases in an amount exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source is discussed and that portion of meetings at which the contents of competitive sealed proposals solicited pursuant to the Procurement Code are discussed during the contract negotiation process. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;~~

~~(7) meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant;~~

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~~(8) meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body;~~

~~(9) those portions of meetings of committees or boards of public hospitals where strategic and long-range business plans or trade secrets are discussed; [and]~~

~~(10) that portion of a meeting of the gaming control board dealing with information made confidential pursuant to the provisions of the Gaming Control Act; and~~

~~(11) except as provided in the State Ethics Commission Act, meetings of the state ethics commission or its committees that relate to complaints or investigations.~~

~~I. If any meeting is closed pursuant to the exclusions contained in Subsection H of this section:~~

~~(1) the closure, if made in an open meeting, shall be approved by a majority vote of a quorum of the policymaking body; the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting; or~~

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~~(2) if a closure is called for when the policymaking body is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed is given to the members and to the general public.~~

~~J. Following completion of any closed meeting, the minutes of the open meeting that was closed or the minutes of the next open meeting if the closed meeting was separately scheduled shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the public body under Subsection G of this section as part of the minutes."~~

~~SECTION 34. Section 10-15-3 NMSA 1978 (being Laws 1974, Chapter 91, Section 3, as amended) is amended to read:~~

~~"10-15-3. INVALID ACTIONS--STANDING.--~~

~~A. No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978. Every resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be presumed to have been taken or~~

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~~made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978.~~

~~B. Civil enforcement of all provisions of the Open Meetings Act shall be [enforced] by the [attorney general or by the district attorney in the county of jurisdiction] state ethics commission. However, nothing in that act shall prevent an individual from independently applying for enforcement through the district courts; provided that the individual first provides written notice of the claimed violation to the public body and that the public body has denied or not acted on the claim within fifteen days of receiving it. A public meeting held to address a claimed violation of the Open Meetings Act shall include a summary of comments made at the meeting at which the claimed violation occurred.~~

~~C. The district courts of this state shall have jurisdiction, upon the application of any person to enforce the purpose of the Open Meetings Act, by injunction, mandamus or other appropriate order. The court shall award costs and reasonable attorney fees to any person who is successful in bringing a court action to enforce the provisions of the Open Meetings Act. If the prevailing party in a legal action brought under this section is a public body defendant, it shall be awarded court costs. A public body defendant that prevails in a court action brought under this section shall be awarded~~

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~~its reasonable attorney fees from the plaintiff if the plaintiff brought the action without sufficient information and belief that good grounds supported it.~~

~~D. No section of the Open Meetings Act shall be construed to preclude other remedies or rights not relating to the question of open meetings."~~

~~SECTION 35. Section 13-1-177 NMSA 1978 (being Laws 1984, Chapter 65, Section 150, as amended) is amended to read:~~

~~"13-1-177. AUTHORITY TO SUSPEND OR DEBAR.--~~

~~A. The [state purchasing agent or a central purchasing office] state ethics commission, after consultation with the using agency, may suspend a person from consideration for award of contracts if the [state purchasing agent or central purchasing office] state ethics commission, after reasonable investigation, finds that a person has engaged in conduct that constitutes cause for debarment pursuant to Section 13-1-178 NMSA 1978.~~

~~B. The term of a suspension pursuant to this section shall not exceed three months; however, if a person, including a bidder, offeror or contractor, has been charged with a criminal offense that would be a cause for debarment pursuant to Section 13-1-178 NMSA 1978, the suspension shall remain in effect until the criminal charge is resolved and the person is debarred or the reason for suspension no longer exists.~~

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~~C. The [state purchasing agent or a central purchasing office] state ethics commission, after reasonable notice to the person involved, shall have authority to [recommend to the governing authority of a state agency or a local public body the debarment of] debar a person for cause from consideration for award of contracts, other than contracts for professional services. The debarment shall not be for a period of more than three years. The authority to debar shall be exercised by the [governing authority of a state agency or a local public body] state ethics commission in accordance with rules that shall provide for reasonable notice and a fair hearing prior to debarment.~~

~~D. As used in this section, the terms "person", "bidder", "offeror" and "contractor" include principals, officers, directors, owners, partners and managers of the person, bidder, offeror or contractor."~~

~~SECTION 36. Section 13-1-178 NMSA 1978 (being Laws 1984, Chapter 65, Section 151, as amended) is amended to read:~~

~~"13-1-178. CAUSES FOR DEBARMENT OR SUSPENSION--TIME LIMIT.--~~

~~A. The causes for debarment or suspension occurring within three years of the date final action on a procurement is taken include but are not limited to the following:~~

- ~~(1) criminal conviction of a bidder, offeror~~

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~~or contractor for commission of a criminal offense related to obtaining unlawfully or attempting to obtain a public or private contract or subcontract, or related to the unlawful performance of such contract or subcontract;~~

~~(2) civil judgment against a bidder, offeror or contractor for a civil violation related to obtaining unlawfully or attempting to obtain a public or private contract or subcontract, or related to the unlawful performance of such contract or subcontract;~~

~~(3) conviction of a bidder, offeror or contractor under state or federal statutes related to embezzlement, theft, forgery, bribery, fraud, falsification or destruction of records, making false statements or receiving stolen property or for violation of federal or state tax laws;~~

~~(4) conviction of a bidder, offeror or contractor under state or federal antitrust statutes relating to the submission of offers;~~

~~(5) criminal conviction against a bidder, offeror or contractor for any other offense related to honesty, integrity or business ethics;~~

~~(6) civil judgment against a bidder, offeror or contractor for a civil violation related to honesty, integrity or business ethics;~~

~~(7) civil judgment against a bidder, offeror or contractor pursuant to the Unfair Practices Act;~~

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~~(8) violation by a bidder, offeror or contractor of contract provisions, as set forth in this paragraph, of a character that is reasonably regarded by the [state purchasing agent or a central purchasing office] state ethics commission to be so serious as to justify suspension or debarment action, including:~~

~~(a) willful failure to perform in accordance with one or more contracts; or~~

~~(b) a history of failure to perform or of unsatisfactory performance of one or more contracts; provided that this failure or unsatisfactory performance has occurred within a reasonable time preceding the decision to impose debarment; and provided further that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;~~

~~(9) any other cause that the [state purchasing agent or a central purchasing office] state ethics commission determines to be so serious and compelling as to affect responsibility as a contractor; or~~

~~(10) for a willful violation by a bidder, offeror or contractor of the provisions of the Procurement Code.~~

~~B. As used in this section, the terms "bidder",~~

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~~"offeror" and "contractor" include principals, officers, directors, owners, partners and managers of the bidder, offeror or contractor."~~

~~SECTION 37. Section 13-1-196 NMSA 1978 (being Laws 1984, Chapter 65, Section 169) is amended to read:~~

~~"13-1-196. CIVIL PENALTY.--Any person, firm or corporation that knowingly violates any provision of the Procurement Code is subject to a civil penalty of not more than one thousand dollars (\$1,000) for each procurement in violation of any provision of the Procurement Code. The [attorney general or the district attorney in the jurisdiction in which the violation occurs] state ethics commission is empowered to bring a civil action for the enforcement of any provision of the Procurement Code. Any penalty collected under the provisions of this section shall be credited to the general fund of the political subdivision in which the violation occurred and on whose behalf the suit was brought."~~

~~SECTION 38. Section 14-2-12 NMSA 1978 (being Laws 1993, Chapter 258, Section 9) is amended to read:~~

~~"14-2-12. ENFORCEMENT.--~~

~~A. An action to enforce the Inspection of Public Records Act may be brought by:~~

~~(1) the [attorney general or the district attorney in the county of jurisdiction] state ethics commission; or~~

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~~(2) a person whose written request has been denied.~~

~~B. A district court may issue a writ of mandamus or order an injunction or other appropriate remedy to enforce the provisions of the Inspection of Public Records Act.~~

~~C. The exhaustion of administrative remedies shall not be required prior to bringing any action to enforce the procedures of the Inspection of Public Records Act.~~

~~D. The court shall award damages, costs and reasonable [attorneys'] attorney fees to any person whose written request has been denied and who is successful in a court action to enforce the provisions of the Inspection of Public Records Act."~~

~~SECTION 39. Section 34-10-2.1 NMSA 1978 (being Laws 1977, Chapter 289, Section 1) is amended to read:~~

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

~~A. Pursuant to the judicial standards commission's authority granted by Article 6, Section 32 of the constitution of New Mexico, any justice, judge or magistrate of any court may be disciplined or removed for willful misconduct in office, persistent failure or inability to perform the judge's duties or habitual intemperance, or may be retired for a disability that seriously interferes with the performance of the~~

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~~justice's, judge's or magistrate's duties and that is, or is likely to become, of a permanent character. The judicial standards commission is granted the same authority to regulate the conduct and character of members of the state ethics commission, court-appointed commissioners, judicial hearing officers, administrative law judges or special masters while acting in a judicial capacity.~~

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

~~(1) investigate all charges, complaints and allegations as to willful misconduct in office, persistent failure or inability to perform [a judge's] official duties or habitual intemperance, [of any justice, judge or magistrate of any court, and when] if the commission deems necessary, and hold a hearing on the charges, complaints or allegations concerning the discipline or removal of [such judicial officer] the official;~~

~~(2) investigate and, if the commission deems necessary, hold hearings on any charge, complaint or allegation that [a justice, judge or magistrate] an official listed in Subsection A of this section has suffered a disability that is seriously interfering with the performance of [his] the official's duties [which] and that is, or is likely to become, of a permanent character;~~

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

~~(4) after a hearing deemed necessary pursuant to Paragraph (2) of this subsection or after considering the record and the findings and report of the masters, if the commission finds good cause, [it shall] recommend to the supreme court the discipline, removal or retirement of the [justice, judge or magistrate] official.~~

~~[B.] C. In any investigation or hearing held under the provisions of this section, the commission [shall have the power to] may administer oaths and, with the concurrence of a majority of the members of the commission, [it may] petition a district court to subpoena witnesses, compel their attendance and examine them under oath or affirmation and require the production of any books, records, documents or other evidence it may deem relevant or material to an investigation upon a showing of probable cause."~~ ←Sfl←HJC

SECTION ~~33.~~ 34. Section 13-1-196 NMSA 1978 (being Laws 1984, Chapter 65, Section 169) is amended to read:

"13-1-196. CIVIL PENALTY.--Any person, firm or corporation that knowingly violates any provision of the

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Procurement Code is subject to a civil penalty of not more than one thousand dollars (\$1,000) for each procurement in violation of any provision of the Procurement Code. The [~~attorney general or the~~] district attorney in the jurisdiction in which the violation occurs or the state ethics commission is empowered to bring a civil action for the enforcement of any provision of the Procurement Code; provided that the commission may refer a matter for enforcement to the attorney general or the district attorney in the jurisdiction in which the violation occurred. Any penalty collected under the provisions of this section shall be credited to the general fund of the political subdivision in which the violation occurred and on whose behalf the suit was brought."

HJC→SECTION ~~34.~~ 35. Section 2-6-1 NMSA 1978 (being Laws 1961, Chapter 2, Section 1, as amended) is amended to read:

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

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

B. No bill shall be introduced at any regular session of the legislature subsequent to the thirtieth legislative day in sessions held in the odd-numbered years

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or subsequent to the fifteenth legislative day in sessions held in the even-numbered years. The limitation provided in this ~~[section]~~ subsection does not apply to the general appropriation bill, bills to provide for the current expenses of the government and such bills as may be referred to the legislature by the governor by special message specifically setting forth the emergency or necessity requiring such legislation."←HJC

Hf1→SECTION ~~35.~~ 36. Section 34-10-2.1 NMSA 1978 (being Laws 1977, Chapter 289, Section 1) is amended to read:

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

A. Pursuant to the judicial standards commission's authority granted by Article 6, Section 32 of the constitution of New Mexico, any justice, judge or magistrate of any court may be disciplined or removed for willful misconduct in office, persistent failure or inability to perform the judge's duties or habitual intemperance, or may be retired for a disability that seriously interferes with the performance of the justice's, judge's or magistrate's duties and that is, or is likely to become, of a permanent character. The judicial standards commission is granted the same authority to regulate the conduct and character of court- appointed commissioners,

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hearing officers, administrative law judges or special masters while acting in a judicial capacity.

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

(1) investigate all charges, complaints and allegations as to willful misconduct in office, persistent failure or inability to perform ~~[a judge's]~~ official duties or habitual intemperance, ~~[of any justice, judge or magistrate of any court, and when]~~ if the commission deems necessary, and hold a hearing on the charges, complaints or allegations concerning the discipline or removal of ~~[such judicial officer]~~ the official;

(2) investigate and, if the commission deems necessary, hold hearings on any charge, complaint or allegation that ~~[a justice, judge or magistrate]~~ an official listed in Subsection A of this section has suffered a disability that is seriously interfering with the performance of ~~[his]~~ the official's duties ~~[which]~~ and that is, or is likely to become, of a permanent character;

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

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(4) after a hearing deemed necessary pursuant to Paragraph (2) of this subsection or after considering the record and the findings and report of the masters, if the commission finds good cause, ~~[it shall]~~ recommend to the supreme court the discipline, removal or retirement of the ~~[justice, judge or magistrate]~~ official.

~~[B-]~~ C. In any investigation or hearing held under the provisions of this section, the commission ~~[shall have the power to]~~ may administer oaths and, with the concurrence of a majority of the members of the commission, ~~[it may]~~ petition a district court to subpoena witnesses, compel their attendance and examine them under oath or affirmation and require the production of any books, records, documents or other evidence it may deem relevant or material to an investigation upon a showing of probable cause."←Hf1

SECTION ~~34.~~ 37. TEMPORARY PROVISION--REPORT ON EXTENSION OF JURISDICTION.--

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

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

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

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

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

(4) recommended changes to existing law.

HJC→SJC→SECTION 43. TEMPORARY PROVISION--COMPILER'S INSTRUCTION.-- The New Mexico compilation commission shall rename Chapter 2, Article 15 NMSA 1978 "Legislative Ethics".
SECTION 44. REPEAL.--Sections 2-15-1 through 2-15-6, 2-15-10 and 10-16-14 NMSA 1978 (being Laws 1993, Chapter 46, Sections 46 through 51 and 55 and Laws 1967, Chapter 306, Section 14, as amended) are repealed.←SJC←HJC

Hf1→SECTION 37. 38. TEMPORARY PROVISION--COMPILER'S INSTRUCTION.-- The New Mexico compilation commission shall rename Chapter 2, Article 15 NMSA 1978 "Legislative Ethics".

SECTION 38.39 REPEAL.--Sections 2-15-1 through 2-15-6 NMSA 1978 (being Laws 1993, Chapter 46, Sections 46 through 51) are repealed.←Hf1

SECTION 35. 40. APPLICABILITY.--The provisions of the State Ethics Commission Act apply only to conduct occurring on or after July 1, 2019.

SECTION 36. 41. EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 1 through 8, Hf1→HJC→and 34←HJC←Hf1 Hf1→34, 37 and 38←Hf1 of this act is July 1, 2019.

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B. The effective date of the provisions of Sections 9 through Hf1→HJC→33 and←HJC←Hf1 Hf1→HJC→35←HJC←Hf1 HJC→Sf1→SJC→35 39 and 41 through 45←SJC←Sf1←HJC Sf1→Sf1→35←Sf1←Sf1 HJC→Sf1→38 and 40 through 44←Sf1←HJC Hf1→33 and 36←Hf1 of this act is January 1, 2020.

HJC→Sf1→SJC→C. The effective date of the provisions of Section 40 of this act is July 1, 2020.←SJC←Sf1←HJC

HJC→Sf1→C. The effective date of the provisions of Section 39 of this act is July 1, 2020.←Sf1←HJC

Hf1→C. The effective date of the provisions of Section 35 of this act is July 1, 2020.←Hf1

Hf2→SECTION 39 42. EFFECTIVE DATE.--The effective date of the provisions of Section 18 of this act is January 1, 2020.←Hf2

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