

1 HOUSE BILL 169

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Reena Szczepanski and Christine Chandler and Joseph Cervantes
5 and Mimi Stewart
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10 AN ACT

11 RELATING TO THE LEGISLATURE; REMOVING THE REQUIREMENT THAT THE
12 COMPLAINANT NOT PUBLICLY DISCLOSE ANY INFORMATION RELATING TO
13 THE FILING OR INVESTIGATION OF A COMPLAINT MADE TO THE INTERIM
14 LEGISLATIVE ETHICS COMMITTEE ALLEGING MISCONDUCT OF A
15 LEGISLATOR.
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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

20 "2-15-9. INTERIM LEGISLATIVE ETHICS COMMITTEE--
21 PROCEDURES--CONFIDENTIALITY.--

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

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1 B. A member of the interim legislative ethics
2 committee [~~shall be~~] is ineligible to participate in any matter
3 relating directly to that member's conduct. In any such case,
4 a substitute member to the committee shall be appointed from
5 the same house from the same political party by the appropriate
6 appointing authority. A member may seek to be disqualified
7 from any matter brought before the interim legislative ethics
8 committee on the grounds that the member cannot render a fair
9 and impartial decision. Disqualification must be approved by a
10 majority vote of the remaining members of the committee. In
11 any such case, a substitute member to the committee shall be
12 appointed from the same political party as provided in this
13 section.

14 C. The interim legislative ethics committee is
15 authorized to issue advisory opinions on matters relating to
16 ethical conduct during the interim. Any question relating to
17 the interpretation and enforcement of ethical principles as
18 applied to the legislature may be submitted in writing to the
19 New Mexico legislative council by a legislator describing a
20 real or hypothetical situation and requesting an advisory
21 opinion establishing an appropriate standard of ethical conduct
22 for that situation. The question shall be referred to the
23 [~~joint~~] interim legislative ethics committee.

24 D. To initiate any action during the interim on
25 alleged misconduct, any legislator or member of the public may

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underscoring material = new
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1 file a written, sworn complaint setting forth, with
2 specificity, the facts alleged to constitute unethical conduct.
3 A complaint shall be filed with the New Mexico legislative
4 council. Upon receipt of the complaint, the [~~co-chairmen~~] co-
5 chairs shall convene the interim legislative ethics committee.

6 E. The interim legislative ethics committee shall
7 maintain rules of confidentiality unless the legislator against
8 whom a complaint is filed waives the rules or any part of them
9 in writing. The confidentiality rules shall include the
10 following provisions:

11 (1) [~~the complainant~~] the committee and its
12 staff shall not publicly disclose any information relating to
13 the filing or investigation of a complaint, including the
14 identity of the complainant or respondent, until after a
15 finding of probable cause has been made that a violation has
16 occurred;

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

19 (3) no member of the committee or its staff
20 may knowingly disclose any confidential information except as
21 authorized by the committee."