

**NOTICE OF RULE MAKING AND PUBLIC RULE HEARING**

Notice of Rulemaking: The State Ethics Commission [the commission] will hold a public hearing on the proposed adoption of certain rules establishing procedures for requests for advisory opinions and for commission responses; giving notice of and conducting meetings, including virtual meetings, of the commission; and creating a proposed model code of ethics for state officers and employees. These new rules are proposed pursuant to Sections 10-16-11 and 11.1, NMSA 1978; Subsection C of Section 10-15-1, NMSA 1978; Section 10-16G-8, NMSA 1978; and Paragraph 4 of Subsection B of Section 10-16G-5, NMSA 1978. The proposed rules were published on Pages 464 through 471 of Volume XXXI, Issue 12 of the New Mexico Register. No technical scientific information was consulted in drafting these proposed rules.

Copies of all the proposed rules may be found on Pages 464 through 471 of Volume XXXI, Issue 12 of the New Mexico Register, the Sunshine Portal, the Commission's website, <https://www.sec.state.nm.us>, or at the commission's main office in Albuquerque: the New Mexico Ethics Commission, University of New Mexico Science and Technology Park, 800 Bradbury Drive SE, Suite 215, Albuquerque, NM, 87106.

Notice of Public Rule Hearing: The public rule hearing is scheduled to occur on Friday, October 2, 2020 at 9:00 am in UNM's Science and Technology Park's Executive Board Room, 851 University SE, Suite 200, Albuquerque, NM 87106. It is possible that, pursuant to the Public Health Emergency declared by Governor Michelle Lujan Grisham in Executive Order 2020-004, as extended, and in light of the current pandemic, the Commission will decide to conduct this meeting remotely at that time and date rather than in person. In that case, instructions for public participation will be posted on the Commission's website, <https://www.sec.state.nm.us>. Members of the public are advised to check this website before the meeting to confirm whether it will be held in person or over the internet. The public hearing will be conducted in a fair and equitable manner by the commission and shall be recorded. Any interested member of the public may attend the hearing, in person or remotely, and will be provided a reasonable opportunity to offer public comment, including presentation of data, views, or arguments, on the proposed rules during the hearing. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact [Sonny.Haquani@state.nm.us](mailto:Sonny.Haquani@state.nm.us). The commission will make every effort to accommodate all reasonable requests, but cannot guarantee accommodation of a request that is not received at least five calendar days before the scheduled hearing.

Notice of Acceptance of Written Public Comment: Written public comments, including presentation of data, views, or arguments about the proposed rules, from any interested member of the public will be accepted until 5:00 p.m. on Wednesday, September 30, 2020, by submitting them via email to [ethics.commission@state.nm.us](mailto:ethics.commission@state.nm.us) with the subject line "SEC Rulemaking R20-01," or via first class mail or by hand delivery to the commission's Albuquerque office: New Mexico Ethics Commission, University of New Mexico Science and Technology Park, 800 Bradbury Drive SE, Suite 215, Albuquerque, NM, 87106.

Description of Proposed Rules: In compliance with Section 14-4-5.2 NMSA 1978, this notice includes the following summary of the proposed amendment and the new proposed rule, a short explanation of the purpose of the amendment and new rule, and specific legal authority authorizing the amendment and proposed new rule. The method and manner of public comment and notice of public hearing on the proposed rules are listed above.

1.8.1.1 NMAC ("General Provisions"); proposed amendments: This rule currently ensures that the state ethics commission is administered so that it works effectively, efficiently and fairly to achieve its constitutional and statutory mission. That mission is to ensure compliance with all applicable public ethics laws by all public officials, employees, candidates, contractors, lobbyists and others subject to the commission's jurisdiction throughout their employment or dealings with New Mexico state government; and to ensure that the public ethics laws are clear, comprehensive and effective. The first amendment to this rule proposed in this proceeding, 1.8.1.9 and 1.8.1.10 NMAC, will add two new sections describing the procedure for people to request, and for the commission to issue, advisory opinions, either official or informal. The second amendment to this rule, 1.8.1.16 NMAC, creates rules for convening and managing meetings of the commission. These include rules governing executive sessions, virtual meetings, and maintaining order during meetings.

Proposed amendments to 1.8.1 NMAC are provided at pages 465 and 466 of Volume XXXI, Issue 12 of the New Mexico Register, the Sunshine Portal, the Commission's website, <https://www.sec.state.nm.us>, or at the commission's main office in Albuquerque: the New Mexico Ethics Commission, University of New Mexico Science and Technology Park, 800 Bradbury Drive SE, Suite 215, Albuquerque, NM, 87106.

1.8.4.1 NMAC ("Proposed Code of Ethics"): This new proposed rule will create proposed code of ethics for state public officials and state public employees, to be submitted to each elected state public official and agency for adoption, pursuant to Paragraph (4) of Subsection B of Section 10-16G-5 NMSA 1978. The proposed code of ethics will compile in a single rule the ethics provisions of state laws and rules governing the conduct of state officers and employees. Topics to be addressed in the proposed code include the definition of and restrictions on: conflicts of interest, acceptance of gifts, business relations with employees or regulated entities, procurement issues, limitations on former employees, public access to records and meetings of state bodies, allowable political activity and ethical conduct in the workplace, among other subjects.

Proposed 1.8.4 NMAC is provided at pages 466 to 471 of Volume XXXI, Issue 12 of the New Mexico Register, the Sunshine Portal, the Commission's website, <https://www.sec.state.nm.us>, or at the commission's main office in Albuquerque: the New Mexico Ethics Commission, University of New Mexico Science and Technology Park, 800 Bradbury Drive SE, Suite 215, Albuquerque, NM, 87106.