



STATE ETHICS COMMISSION

Hon. William F. Lang, Chair
Jeffrey L. Baker, Member
Stuart M. Bluestone, Member
Hon. Garrey Carruthers, Member
Ronald Solimon, Member
Judy Villanueva, Member
Frances F. Williams, Member

Resolution No. 6: Authorizing staff to act for Commission during legislative session

WHEREAS, THE NEW MEXICO STATE ETHICS COMMISSION
("Commission") met virtually, on December 4, 2020, at 9:00 a.m.;

WHEREAS, the Commission has the authority to adjudicate administrative complaints alleging violations of and to file civil actions in state court to enforce the civil compliance provisions of the following statutes: the Campaign Reporting Act, NMSA 1978, §§ 1-19-25 to 1-19-36; the Financial Disclosure Act; NMSA 1978, §§ 10-16A-1 to 10-16A-8; the Gift Act, NMSA 1978, §§ 10-16B-1 to 10-16B-5; the Lobbyist Regulation Act, NMSA 1978, §§ 2-11-1 to 2-11-9; the Voter Action Act, NMSA 1978, §§ 1-19A-1 to 1-19A-17; the Governmental Conduct Act, 10-16-1 to 10-16-18; the Procurement Code, NMSA 1978, §§ 13-1-28 to 13-1-199; and the State Ethics Commission Act, NMSA 1978, §§ 10-16G-1 to 10-16G-16;

WHEREAS, the Commission has the duty under Section 10-16G-5(B)(5) of the State Ethics Commission Act to make annual reports of its activities, including any recommendations regarding state ethics laws or the scope of its powers and duties to the legislature and the governor;

WHEREAS, under Article IV of the New Mexico Constitution, bills may be introduced during regular sessions of the Legislature that might amend the state ethics laws or the scope of the Commission's powers and duties;

WHEREAS, under Section 10-16G-6(A), the Commission must appoint an Executive Director who must be knowledgeable about state ethics laws;

WHEREAS, under Section 10-16G-6(B), the Commission's Executive Director shall prepare an annual budget for the Commission and submit it to the Commission for approval, make recommendations to the Commission of proposed rules or legislative changes needed to provide better administration of the State Ethics Commission Act, and perform other duties as assigned by the Commission; and

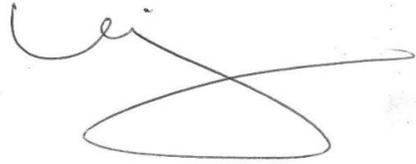
WHEREAS, in view of the timing of the legislative process, including the timing of the introduction of bills, committee hearings, and floor votes, the Commission cannot practically meet to form an opinion on each bill and bill provision affecting the Commission's work that might be introduced or amended during a regular session of the legislature,

NOW, THEREFORE, BE IT RESOLVED by the New Mexico State Ethics Commission:

1. The Executive Director, or a designee, may offer testimony at any legislative hearing, or analysis in response to any request (including requests from the Department of Finance and Administration or the Legislative Finance Committee), regarding the technical or budgetary implications of any bill that would impact the work of the Commission or any bill that seeks to amend any provision of any of New Mexico's ethics laws;
2. The Executive Director, or a designee, may offer views on the merits of any bill either impacting the work of the State Ethics Commission or seeking to amend any provision of any of New Mexico's ethics laws, whether in testimony at any legislative hearing or through informal discussion with any other person, *provided that* the Executive Director must consult about any such bill with:
 - a. the Chair of the Commission, or his or her designee;
 - b. if the Chair of the Commission is a member of the majority party in the Senate, the Commissioner appointed by the minority floor leader of the Senate, or his or her designee; or, if the Chair is a member of the minority party in the Senate, the Commissioner appointed by the President Pro Tempore of the Senate, or his or her designee; and
 - c. the Commission's General Counsel.

3. During the regular session, the Executive Director, or a designee, shall weekly inform the Commission of the progress of any bill either impacting the work of the State Ethics Commission or seeking to amend any provision of any of New Mexico's ethics laws.

Adopted by the New Mexico State Ethics Commission this 4th day of December 2020.

A handwritten signature in black ink, appearing to read 'W. Lang', with a large, stylized flourish underneath.

The Hon. William F. Lang
New Mexico State Ethics Commission
Chair