

SEC Rulemaking R20-01

NM State Ethics Commission,
UNM Science and Technology Park,
800 Bradbury Drive SE, Suite 215
Albuquerque, NM 87106

Dear New Mexico State Ethics Commissioners,

We are writing in response to your request for comments on the proposed adoption of a new Part 4 of Title 1, Chapter 8, of the New Mexico Administrative Code, presenting a model code of ethics for submission to state agencies pursuant to Section 10-16G-5(A)(4) NMSA 1978.

We wholeheartedly support adoption of the proposed code and commend the commission for a thorough job of bringing together into a single compilation all of the various rules of governmental ethics that are scattered throughout the New Mexico statutes. We further applaud the commission for including in the model code provisions by which state agencies could take advantage of their authority to impose ethical constraints on their officials and employees that are more stringent than would be required by a narrow literal construction of the statutes (see §§10-16-11(C) and 10-16-11.1 NMSA 1978).

In particular, we approve of the commission's proposal, in §1.10.4.10(D)(1) of the draft code, for agencies to impose a complete ban on acceptance by their officials and employees of gifts from "restricted donors." We believe such a clear and comprehensive prohibition is both more easily administered and more likely to promote public trust in government than the narrower statutory rule barring acceptance of such unseemly gifts only when they have "a market value greater than \$250" (§10-16B-3(A) NMSA 1978).

In Common Cause,



Heather Ferguson
Executive Director