

**FIFTY-FIRST LEGISLATURE
FIRST SESSION, 2013**

March 9, 2013

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

**SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE RULES COMMITTEE
SUBSTITUTE FOR SENATE BILL 8, as amended**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike all items of Senate Floor Amendment 1.
2. On page 1, line 11, after "FOR", insert "CONSTITUTIONALLY MANDATED INCREASED".
3. On page 1, line 13, before the period, insert "; REQUIREMENTS FOR PUBLIC REGULATION COMMISSIONERS; PROVIDING FOR THE WITHHOLDING OF COMPENSATION".
4. On pages 1 through 3, strike Section 1 in its entirety and insert in lieu thereof the following sections:

"**SECTION 1.** A new section of the Public Regulation Commission Act is enacted to read:

"[NEW MATERIAL] QUALIFICATIONS OF COMMISSIONERS.--

A. In addition to other requirements imposed by law, in order to be elected or appointed as a commissioner, a person must be qualified for office by:

(1) having at least ten years of professional experience in a field related to the regulatory authority of the commission, including:

- (a) accounting, economics, finance or statistics;
- (b) an area regulated by the commission;
- (c) advocating for consumer or environmental issues;

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(d) engineering;

(e) law; or

(f) public or government administration;

(2) having at least ten years of higher education resulting in a degree or degrees from an institution of higher education that has been accredited by a regional or national accrediting body in a field related to the regulatory authority of the commission, including:

(a) accounting, business administration, economics or statistics;

(b) engineering; or

(c) law;

(3) having a total of ten years of combined professional experience pursuant to Paragraph (1) of this subsection and higher education pursuant to Paragraph (2) of this subsection; or

(4) holding the office of commissioner on January 1, 2013.

B. As used in this section, "professional experience" means employment in which the candidate or prospective appointee for commissioner regularly made decisions requiring discretion and independent judgment and:

(1) analyzed or interpreted numerical or statistical data;

(2) engaged in policy analysis, research or implementation;

(3) advocated before a regulatory agency; or

(4) managed a business, organization, agency, division or department that had five or more employees during the time it was managed by the candidate or prospective appointee.

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C. In addition to filing a declaration of candidacy or a declaration of intent and nominating petition as required by Chapter 1, Article 8 NMSA 1978, a candidate or, in the case of a vacancy on the commission, a prospective appointee shall file with the secretary of state, in a manner determined by the secretary, documentation demonstrating that the candidate or prospective appointee satisfies the qualifications requirement of Subsection A of this section.

D. The qualifications documentation shall be filed with the secretary of state no later than 5:00 p.m. on the filing date for the candidate's declaration of candidacy and nominating petition or, in the case of a prospective appointee, prior to an appointment announcement by the governor.

E. Upon receipt of the qualifications documentation, and no later than 5:00 p.m. on the seventh day following the filing date, or in the case of a prospective appointee, no later than 5:00 p.m. on the fifteenth day following the receipt of the documentation, the secretary of state shall determine whether the documentation satisfies the requirements of Subsection A of this section. The secretary of state shall accept documentation, in a manner determined by the secretary, that demonstrates on its face that it meets the requirements of Subsection A of this section and shall not conduct an investigation into the accuracy or integrity of the documentation provided. The secretary of state shall notify the candidate or, in the case of a prospective appointee, the prospective appointee and the governor, in writing, whether the candidate or prospective appointee is qualified or not qualified to hold the office of commissioner in accordance with the requirements of Section 1-8-26 NMSA 1978.

F. A voter may challenge the decision of the secretary of state by filing a petition in the district court within ten days of the decision, which shall be heard as provided in Subsection F of Section 1-8-26 NMSA 1978."

SECTION 2. A new section of the Public Regulation Commission Act is enacted to read:

"[NEW MATERIAL] CONTINUING EDUCATION REQUIREMENTS FOR COMMISSIONERS.--

A. Beginning July 1, 2013, a commissioner shall

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complete:

(1) an ethics certificate course provided in person or online by a New Mexico public post-secondary educational institution in the first twelve-month period after taking office, and at least one two-hour ethics course in each subsequent twelve-month period that the commissioner serves in office; and

(2) at least forty hours of continuing education relevant to the work of the commission in each twelve-month period that the commissioner serves in office. Continuing education courses shall be endorsed by the national association of regulatory utility commissioners or by the relevant licensing or professional association for a qualifying area of study for degree holders pursuant to this section.

B. A commissioner shall be responsible for having the endorsing organization submit certification of completion of the hours of education required pursuant to Subsection A of this section to the commission's chief of staff.

C. As an exception to Section 8-1-1 NMSA 1978, if a commissioner fails to comply with the education requirements in Subsection A of this section by the last day of a twelve-month period, the commissioner's compensation for performing the duties of the office shall be withheld by the commission until the requirements for the preceding twelve-month period or periods have been met."

SECTION 3. APPLICABILITY.--The provisions of Section 1 of this act apply to:

A. persons appointed to fill a public regulation commissioner vacancy after July 1, 2013; and

B. public regulation commissioners elected at the general election in 2014 and subsequent elections."

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Respectfully submitted,

Gail Chasey, Chairwoman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: Cook, Egolf, Fajardo, Gentry, McMillan, Rehm, Stewart

Absent: None

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