

HOUSE GOVERNMENT, ELECTIONS AND
INDIAN AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTIONS 8 & 18

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 11 OF THE CONSTITUTION OF NEW MEXICO
BY REPEALING SECTION 1 AND ADDING A NEW SECTION 1 TO PROVIDE
FOR THE TRANSITION FROM AN ELECTED TO AN APPOINTED FIVE-MEMBER
PUBLIC REGULATION COMMISSION AND TO PROVIDE AN APPOINTMENT
PROCESS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. It is proposed to amend Article 11 of the
constitution of New Mexico by repealing Section 1 and adding a
new Section 1 to read:

"A. The "public regulation commission" is created.
The commission shall consist of five members appointed from
districts provided by law for staggered four-year terms. Each
member shall be a New Mexico resident appointed to a full term
or to a vacancy on the commission by the governor with the

.203592.3

1 advice and consent of the senate. The governor shall make each
2 appointment from a list of three potential appointees submitted
3 to the governor by the New Mexico legislative council. A four-
4 year term for a commission member's position shall begin on
5 January 1 of the year following the expiration of a prior term
6 for that position; provided that the first five members
7 appointed to a full four-year term on or after January 1, 2017
8 shall be appointed as the terms of members in office prior to
9 January 1, 2017 or elected to office at the 2016 general
10 election expire.

11 B. A commission member who serves two consecutive
12 terms is ineligible to hold office as a member again until one
13 full term has intervened. No more than three members shall be
14 members of the same political party. A member appointed to
15 fill a vacancy on the commission shall serve for the remainder
16 of the unexpired term.

17 C. The legislature may provide by law for
18 additional qualifications for commission members appointed to a
19 full term on or after January 1, 2017. The legislature shall
20 provide for continuing education requirements for members.

21 D. A commission member shall be removed only for
22 malfeasance, misfeasance or neglect of duty after a hearing
23 before the supreme court pursuant to court rules. The
24 supreme court's jurisdiction over the hearing is exclusive and
25 its decision on the removal is final.

