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FISCAL IMPACT REPORT

SPONSOR: Lujan DATE TYPED: 3/4/03 HB 936

SHORT TITLE: PRC Commissioner Participation SB _____

ANALYST: Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			NFI		

SOURCES OF INFORMATION

Responses Received From
Public Regulation Commission (PRC)

SUMMARY

Synopsis of Bill

House Bill 936 requires PRC commissioners to be present in the offices of the PRC in Santa Fe no less than four full working days each week to receive the full \$90,000 salary unless attending public hearings of the PRC outside the city of Santa Fe. This bill requires commissioners to regularly participate in working hearings with appropriate staff to fully understand the complex issues the commission decides and to participate in all public hearings in which decisions of the PRC are scheduled.

HB 936 also restricts public expenditures for PRC offices to Santa Fe and prohibits support for offices or staff outside Santa Fe.

Significant Issues

HB 936 requires PRC commissioners to be in Santa Fe a minimum of four full days each week to receive their full salary. The only exception is when commissioners attend public hearings of the PRC outside of Santa Fe. The PRC staff notes that in additions to attending PRC hearings outside of Santa Fe, commissioners also attend training sessions and courses sponsored by New Mexico State University and other schools having utility regulation programs in locations such as Las Cruces, Albuquerque and Michigan. The staff suggests one of the most important areas commissioners deal with is state/federal relations in the regulation of electric and other utilities

and that PRC commissioners need to take part in regional and national meetings to keep informed of national developments and to protect New Mexico's interests.

The PRC points out House Bill 936 may be inconsistent with the constitutional requirement that commissioners be elected from districts, and that commissioners maintain their residence in their districts.

The PRC staff further notes the New Mexico Constitution says the compensation of any public officer cannot be diminished during his term of office, except as otherwise provided in the Constitution, and, in addition, asks whether HB 936 is a legislative attempt to exercise the constitutionally-created powers of the PRC in violation of the separation of powers requirement in the New Mexico Constitution.

ADMINISTRATIVE IMPLICATIONS

There will be some administrative resources required to administer this bill.

TECHNICAL ISSUES

The requirement that Commissioners be in Santa Fe for four full working days each week makes no exceptions for sick leave, annual leave, or other contingencies.

HB 936 does not specify who is responsible for determining whether a Commissioner has failed to participate in PRC business, as required by this bill, for the purposes of determining whether there should be a proportionate reduction of compensation.

The term "working hearings" is not defined in the HB 936, and the scope of its meaning is not clear from the context of the bill.

DW/njw :sb