

A JOINT MEMORIAL

REQUESTING THAT THE NEW MEXICO LEGISLATIVE COUNCIL APPOINT AN INTERIM LEGISLATIVE LOW-INCOME ENERGY ASSISTANCE TASK FORCE TO STUDY WAYS TO PROVIDE ADDITIONAL ENERGY ASSISTANCE FOR LOW-INCOME CUSTOMERS AND TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE NEW MEXICO LEGISLATIVE COUNCIL.

WHEREAS, statistics indicate that in 2011, when compared to the other forty-nine states, New Mexico had the second highest percentage of residents living in poverty; and

WHEREAS, according to the United States census bureau, the poverty rate in New Mexico increased nearly two percent between 2009 and 2010, the same as the increase in the state's unemployment rate; and

WHEREAS, New Mexico's poverty rate is an astonishing twenty percent, at least in part because only fifty-four percent of New Mexico residents are employed; and

WHEREAS, out of thirteen poverty indicators, New Mexico only performs better than the rest of the nation in available and affordable housing indicators and in the number of children in foster care; and

WHEREAS, the coverage ratio for New Mexico's low income heating and energy assistance program is less than fourteen percent, which is the second lowest in the nation and demonstrates that the current energy assistance programs in

New Mexico are inadequate to meet the needs of New Mexico's most vulnerable residents; and

WHEREAS, many states provide assistance to their residents in need by way of low-income energy assistance programs as well as allowed discounted rates or established system benefits charges payable by utility customers; and

WHEREAS, the public regulation commission's ability to provide assistance to low-income customers through its rate-making authority is limited by a 1984 New Mexico supreme court opinion holding that providing such assistance is the prerogative of the state legislature; and

WHEREAS, the growing energy affordability gap for many of New Mexico's utility customers demonstrates that solutions, in addition to existing low-income assistance programs, are needed to protect the public health and welfare;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the New Mexico legislative council be requested to create the interim low-income energy assistance task force to study ways to provide additional energy assistance to low-income utility customers, including ways to provide the public regulation commission with the authority to establish a low-income assistance charge to ratepayers so as to fund additional utility bill assistance programs or to allow discounted rates for low-income utility customers, along with any other solutions that might be considered to address

the state's energy assistance problem; and

BE IT FURTHER RESOLVED that the low-income energy assistance task force report its findings and recommendations, including any proposed legislation, to the New Mexico legislative council no later than October 31, 2012; and

BE IT FURTHER RESOLVED that the New Mexico legislative council be requested to appoint members to the task force from each house so that the proportionate representation on the task force is the same as prevails in each house; and

BE IT FURTHER RESOLVED that the New Mexico legislative council be requested to appoint to the task force four members from the house of representatives and four members from the senate, and to designate the chair and vice chair of the task force at the time of appointment; and

BE IT FURTHER RESOLVED that the New Mexico legislative council be requested to authorize the task force to appoint an advisory group to assist the task force in preparing its recommendations, such advisory group to be made up of representatives from industry, consumer groups, the public regulation commission, the New Mexico attorney general's office and members of the public at large; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the speaker of the house of representatives, the president pro tempore of the senate, each member of the public regulation commission and the New Mexico attorney

general.