

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Egolf ORIGINAL DATE _____
LAST UPDATED 01/23/12 HB HJR 14

SHORT TITLE PRC Appointment & Retention, CA SB _____

ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Secretary of State		\$104.0			Non- Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HJR 11, HJR 13, HJR 16, HJR 17 & SJR 2

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Regulation Commission (PRC)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Joint Resolution 14 proposes an amendment to article 11, section 1 of the constitution of New Mexico to provide for an appointed PRC that is subject to a retention election.

The PRC shall consist of five members appointed or retained from districts provided by law for staggered four-year terms; provided that after serving two terms, members shall be ineligible to hold office as a commission member until one full term has intervened.

A vacancy on the PRC shall be filled by appointment by a Public Regulation Commission Nominating Committee whose members, terms and responsibilities are set out in this joint resolution. A commission member shall be appointed to office prior to being eligible for one nonpartisan retention election. Retention of a commission member shall require at least fifty-seven percent of the votes cast on the question of retention or rejection.

A position on the PRC becomes vacant on January 1 immediately following the general election at which a commission member is rejected by more than forty-three percent of those voting on the question of retention or rejection, or upon the expiration of the term of a commission member. Otherwise, a position on the public regulation commission becomes vacant upon the

House Joint Resolution 14 – Page 2

date of the death, resignation or removal by impeachment of a commission member, in which case a commission member shall be appointed for the remainder of the unexpired term. The appointment process provided by this 2012 amendment shall not apply to a commission member who was elected to office in the general election of 2010 or 2012. A commission member elected to office in the general election of 2010 or 2012 may serve the remainder of the term for which the commission member was elected and may be eligible for one retention election, subject to the term limitation provided in Subsection A of this section.

The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

FISCAL IMPLICATIONS

The SOS reports that in accordance with Section 1-16-4 NMSA 1978, upon receipt of the certified proposed constitutional amendment or other question from the Secretary of State, the county clerk shall include it in the proclamation to be issued and shall publish the full text of each proposed Constitutional amendment or other question in accordance with the constitution of New Mexico.

Although the county clerk includes the proposed amendments in the clerk's proclamation, it is the responsibility of the State to pay for the costs associated with the publication per Section 1-16-13 NMSA 1978, including printing samples of the text of each constitutional amendment in both Spanish and English in an amount equal to ten percent of the registered voters of the state. There are currently 1.7 million registered voters in the state. Voters whose election mail is returned as undeliverable will be sent the proper notice under federal law in 2012, and if they do not vote in the next two federal elections, may be purged in 2015. Under these timelines, the voter roll is expected to increase until the purge in 2015.

The SOS reports that in 2010, the publication cost was \$520,000 for 5 constitutional amendments, or approximately \$104,000 per amendment. Although the SOS is continually seeking ways to reduce publication costs, it believes the 2010 figure is a reasonable projection for 2012 costs, given the increasing number of voter registrations.

SIGNIFICANT ISSUES

The PRC notes that the selection process of commissioners in this joint resolution is similar to the current selection process of most judges in New Mexico.

RELATIONSHIP

HJR 14 relates to:

- HJR 11, Elected Insurance Superintendent, CA
- HJR 13, PRC Appointment & Retention, CA
- HJR 16, PRC Corporations from PRC to Sec. of State, CA
- HJR 17, PRC Appointed Insurance Superintendent, CA
- SJR 2, Public Regulation Commission, CA

DW/lj

