

1 SENATE JOINT MEMORIAL 42

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

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

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

20 WHEREAS, according to the United States census bureau, the
21 poverty rate in New Mexico increased nearly two percent between
22 2009 and 2010, the same as the increase in the state's
23 unemployment rate; and

24 WHEREAS, New Mexico's poverty rate is an astonishing
25 twenty percent, at least in part because only fifty-four

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1 percent of New Mexico residents are employed; and

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

6 WHEREAS, the coverage ratio for New Mexico's low income
7 heating and energy assistance program is less than fourteen
8 percent, which is the second lowest in the nation and
9 demonstrates that the current energy assistance programs in New
10 Mexico are inadequate to meet the needs of New Mexico's most
11 vulnerable residents; and

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

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

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

25 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE

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1 STATE OF NEW MEXICO that the New Mexico legislative council be
2 requested to create the interim low-income energy assistance
3 task force to study ways to provide additional energy
4 assistance to low-income utility customers, including ways to
5 provide the public regulation commission with the authority to
6 establish a low-income assistance charge to ratepayers so as to
7 fund additional utility bill assistance programs or to allow
8 discounted rates for low-income utility customers, along with
9 any other solutions that might be considered to address the
10 state's energy assistance problem; and

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

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

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

24 BE IT FURTHER RESOLVED that the New Mexico legislative
25 council be requested to authorize the task force to appoint an

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1 advisory group to assist the task force in preparing its
2 recommendations, such advisory group to be made up of
3 representatives from industry, consumer groups, the public
4 regulation commission, the New Mexico attorney general's office
5 and members of the public at large; and

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