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SENATE JOINT RESOLUTION 2

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

INTRODUCED BY

Timothy M. Keller and Brian F. Egolf

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 11, SECTION 1 OF THE
CONSTITUTION OF NEW MEXICO TO ESTABLISH THE TERMS AND
QUALIFICATIONS OF AN APPOINTED PUBLIC REGULATION COMMISSION.

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

SECTION 1. It is proposed to amend Article 11, Section 1
of the constitution of New Mexico to read:

"A. The "public regulation commission" is created.
The commission shall consist of five ~~[members elected from~~
~~districts provided by law for staggered four-year terms~~
~~beginning on January 1 of the year following their election;~~
~~provided that those chosen at the first general election after~~
~~the adoption of this section shall immediately classify~~
~~themselves by lot, so that two of them shall hold office for~~
~~two years and three of them for four years; and further~~

underscored material = new
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1 ~~provided that after serving two terms, members shall be~~
2 ~~ineligible to hold office as a commission member until one full~~
3 ~~term has intervened]~~ commissioners appointed by the governor
4 for five-year staggered terms, except as provided in Subsection
5 H of this section. The legislature shall provide by law for a
6 nominating committee to evaluate applications of qualified
7 individuals to serve on the commission and to make
8 recommendations to the governor. The governor shall select an
9 appointment from the list of names provided to the governor by
10 the nominating committee. Commissioners shall be appointed
11 from public regulation districts as provided by law.

12 B. A person shall not be qualified to hold the
13 office of public regulation commissioner unless that person has
14 a baccalaureate or more advanced degree from a regionally
15 accredited post-secondary educational institution or has at
16 least five years of relevant professional experience as
17 determined by law.

18 C. After serving one full term, a commissioner
19 shall be ineligible to hold the office of public regulation
20 commissioner until one full term has intervened.

21 D. If a position on the commission becomes vacant
22 for any reason, the vacancy shall be filled by the nomination
23 and appointment process described in Subsection A of this
24 section. A commissioner filling a vacancy shall be appointed
25 to serve the remainder of the unexpired term.

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1 E. Commissioners shall not be removed except for
2 incompetence, neglect of duty or malfeasance in office.

3 F. A prospective commissioner shall not have
4 lobbied or otherwise represented any person or entity regulated
5 by the public regulation commission for three years prior to
6 submission of the prospective commissioner's application for
7 the commission. A commissioner shall not lobby or otherwise
8 represent any person or entity regulated by the public
9 regulation commission for three years following the
10 commissioner's leaving office.

11 [No] G. A commissioner or [candidate for the
12 commission] an individual who is being considered for
13 nomination to the commission shall not accept anything of value
14 from a person or entity whose charges for services to the
15 public are regulated by the commission.

16 H. The appointment process and increased
17 qualifications provided by this 2012 amendment shall not apply
18 to commissioners who were elected to their office in the
19 general election of 2010 or 2012. Commissioners elected to
20 their office in the general election of 2010 or 2012 will serve
21 the remainder of the term for which they were elected."

22 SECTION 2. The amendment proposed by this resolution
23 shall be submitted to the people for their approval or
24 rejection at the next general election or at any special
25 election prior to that date that may be called for that

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underscoring material = new
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