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SENATE BILL 77

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

INTRODUCED BY

Timothy M. Keller

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; REORGANIZING THE UNITS AND RESPONSIBILITIES OF THE PUBLIC REGULATION COMMISSION; CHANGING POWERS AND DUTIES; AMENDING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 8-8-6 NMSA 1978 (being Laws 1998, Chapter 108, Section 6, as amended) is amended to read:

"8-8-6. COMMISSION--DIVISIONS.--The commission shall include the following organizational units:

- A. the administrative services division;
- B. the ~~[consumer relations]~~ business services division;
- C. the insurance division; and
- D. ~~[the legal division;~~
- E. ~~the transportation division;~~

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1 ~~F.~~] the utility division [~~and~~
2 ~~G. the fire marshal division~~]."

3 SECTION 2. Section 8-8-7 NMSA 1978 (being Laws 1998,
4 Chapter 108, Section 7, as amended) is amended to read:

5 "8-8-7. ADMINISTRATIVE SERVICES DIVISION--CHIEF
6 CLERK.--

7 A. The administrative services division of the
8 commission consists of the legal services bureau and such other
9 bureaus as the director of the division determines for the
10 orderly conduct of business.

11 ~~[A.]~~ B. The director of the administrative services
12 division [~~of the commission~~] shall record the judgments, rules,
13 orders and other proceedings of the commission and make a
14 complete index to the judgments, rules, orders and other
15 proceedings; issue and attest all processes issuing from the
16 commission and affix the seal of the commission to them; and
17 preserve the seal and other property belonging to the
18 commission.

19 ~~[B.]~~ C. The administrative services division
20 [~~includes the "corporations bureau" and~~] shall perform the
21 following functions:

- 22 (1) case docketing;
- 23 (2) budget and accounting;
- 24 (3) personnel services;
- 25 (4) procurement; [~~and~~]

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1 (5) information systems services;

2 [~~G. The corporations bureau shall perform the~~
3 ~~functions of the corporations department of the former state~~
4 ~~corporation commission] and~~

5 (6) legal services for the commission."

6 SECTION 3. Section 8-8-8 NMSA 1978 (being Laws 1998,
7 Chapter 108, Section 8) is amended to read:

8 "8-8-8. [~~CONSUMER RELATIONS]~~ BUSINESS SERVICES
9 DIVISION.--

10 A. The business services division of the commission
11 consists of the corporations bureau, the transportation bureau
12 and such other bureaus as the director of the division
13 determines for the orderly conduct of business.

14 [~~A.] B. The [~~consumer relations]~~ business services
15 division shall:~~

16 (1) receive and investigate nondocketed
17 consumer complaints and assist consumers in resolving, in a
18 fair and timely manner, complaints against a person under the
19 authority of the commission, including mediation and other
20 methods of alternative dispute resolution; provided, however,
21 that assistance pursuant to this paragraph does not include
22 legal representation of a private complainant in an
23 adjudicatory proceeding;

24 (2) work with the consumer protection division
25 of the attorney general's office, the governor's constituent

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1 services office and other state agencies as needed to ensure
2 fair and timely resolution of complaints;

3 (3) advise the commission on how to maximize
4 public input into commission proceedings, including ways to
5 eliminate language, disability and other barriers;

6 (4) identify, research and advise the
7 commission on consumer issues;

8 (5) assist the commission in the development
9 and implementation of consumer policies and programs; and

10 (6) perform such other duties as prescribed by
11 the commission.

12 [~~B-~~] C. All complaints received by the business
13 services division with regard to quality or quantity of service
14 provided by a regulated entity or its competitors shall be
15 recorded by the division for the purpose of determining general
16 concerns of consumers. A report of consumer complaints and
17 their status shall be included in the commission's annual
18 report."

19 SECTION 4. Section 8-8-9 NMSA 1978 (being Laws 1998,
20 Chapter 108, Section 9, as amended) is amended to read:

21 "8-8-9. INSURANCE DIVISION.--

22 A. The director of the insurance division of the
23 commission is the "superintendent of insurance" and shall have
24 all the powers and duties prescribed to the director in the New
25 Mexico Insurance Code.

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1 B. The insurance division shall consist of the fire
2 marshal bureau and such other bureaus as the superintendent of
3 insurance determines for the orderly conduct of business."

4 SECTION 5. Section 8-8-9.3 NMSA 1978 (being Laws 2007,
5 Chapter 161, Section 4) is amended to read:

6 "8-8-9.3. FIRE MARSHAL ~~[DIVISION]~~ BUREAU.--The fire
7 marshal ~~[division]~~ bureau of the insurance division of the
8 commission includes the following:

- 9 A. the firefighter training academy ~~[bureau]~~
10 section;
- 11 B. the fire service support ~~[bureau]~~ section;
- 12 C. the fire investigations ~~[bureau]~~ section; and
- 13 D. the fire code enforcement ~~[bureau]~~ section."

14 SECTION 6. Section 8-8-10 NMSA 1978 (being Laws 1998,
15 Chapter 108, Section 10) is amended to read:

16 "8-8-10. LEGAL ~~[DIVISION]~~ SERVICES BUREAU.--

17 A. The commission shall set minimum requirements
18 for the director of the legal ~~[division]~~ services bureau of the
19 administrative services division, including membership in the
20 New Mexico bar and administrative and supervisory experience.

- 21 B. The legal ~~[division]~~ services bureau shall:
 - 22 (1) provide legal counsel for the commission
 - 23 in matters not involving advice on contested proceedings before
 - 24 the commission; and
 - 25 (2) provide legal counsel to all divisions,

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1 including the legal component of the staff that represents the
2 public interest in matters before the commission."

3 SECTION 7. Section 8-8-11 NMSA 1978 (being Laws 1998,
4 Chapter 108, Section 11) is amended to read:

5 "8-8-11. TRANSPORTATION [~~DIVISION~~] BUREAU.--The
6 transportation [~~division~~] bureau of the business services
7 division shall serve as staff to the commission for the
8 following functions, as provided by law:

- 9 A. motor carrier regulation and enforcement;
- 10 B. railroad safety enforcement;
- 11 C. pipeline safety; and
- 12 D. ambulance standards."

13 SECTION 8. Section 10-11A-2 NMSA 1978 (being Laws 1983,
14 Chapter 263, Section 2, as amended) is amended to read:

15 "10-11A-2. DEFINITIONS.--As used in the Volunteer
16 Firefighters Retirement Act:

- 17 A. "association" means the public employees
18 retirement association;
- 19 B. "board" means the retirement board of the
20 association;
- 21 C. "fire department" means a fire department with
22 volunteer members that is certified by the fire marshal
23 [~~division~~] bureau of the insurance division of the public
24 regulation commission;
- 25 D. "fund" means the volunteer firefighters

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1 retirement fund; and

2 E. "member" means a volunteer nonsalaried
3 firefighter who is listed as an active member on the rolls of a
4 fire department and whose first year of service credit was
5 accumulated during or after the year the member attained the
6 age of sixteen. A volunteer firefighter who receives
7 reimbursement for personal out-of-pocket costs shall not be
8 considered a salaried firefighter."

9 SECTION 9. Section 10-11A-6 NMSA 1978 (being Laws 1983,
10 Chapter 263, Section 6, as amended) is amended to read:

11 "10-11A-6. DETERMINATION OF SERVICE CREDIT.--

12 A. A member may claim one year of service credit
13 for each year in which a fire department certifies that the
14 member:

15 (1) attended fifty percent of all scheduled
16 fire drills for which the fire department held the member
17 responsible to attend;

18 (2) attended fifty percent of all scheduled
19 business meetings for which the fire department held the member
20 responsible to attend; and

21 (3) participated in at least fifty percent of
22 all emergency response calls for which the fire department held
23 the member responsible to attend.

24 B. The chief of each fire department shall submit
25 to the association by March 31 of each year documentation of

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1 the qualifications of each member for the preceding calendar
2 year; provided that the chief shall:

3 (1) submit the documentation on forms provided
4 by the association;

5 (2) acknowledge the truth of the records under
6 oath before a notary public; and

7 (3) have the notarized forms signed by the
8 mayor, if distributions from the fire protection fund for the
9 fire department are made to an incorporated municipality, or
10 the chair of the county commission, if distributions from the
11 fire protection fund for the fire department are made to a
12 county fire district.

13 C. For service credit that has been earned, but not
14 credited pursuant to Subsection B of this section, a member may
15 post or adjust service credit earned for one or more calendar
16 years beginning on or after January 1, 1979; provided that the
17 member shall:

18 (1) file with the association a completed
19 "Corrected Qualification Record" or "Adjusted Qualification
20 Record" as prescribed by the board;

21 (2) acknowledge the truth of the records under
22 oath before a notary public; and

23 (3) have the notarized forms signed by the
24 mayor, if distributions from the fire protection fund for the
25 fire department are made to an incorporated municipality, or

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1 the chair of the county commission, if distributions from the
2 fire protection fund for the fire department are made to a
3 county fire district.

4 D. The association may request the fire marshal
5 [~~division~~] bureau of the insurance division of the public
6 regulation commission to verify member qualifications submitted
7 to the association."

8 SECTION 10. Section 59A-52-1 NMSA 1978 (being Laws 1984,
9 Chapter 127, Section 947, as amended) is amended to read:

10 "59A-52-1. STATE FIRE MARSHAL CREATED.--The position of
11 "state fire marshal" is created as the [~~director~~] chief of the
12 fire marshal [~~division under~~] bureau of the insurance division
13 of the public regulation commission."

14 SECTION 11. TEMPORARY PROVISION--TRANSFER OF PERSONNEL
15 AND PROPERTY--CONTRACTUAL OBLIGATIONS--STATUTORY REFERENCES.--

16 A. On the effective date of this act, contractual
17 obligations of the following units of the public regulation
18 commission shall be binding as follows:

19 (1) those of the consumer relations division
20 shall be binding on the business services division;

21 (2) those of the legal division shall be
22 binding on the administrative services division;

23 (3) those of the transportation division shall
24 be binding on the business services division; and

25 (4) those of the state fire marshal and the

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1 fire marshal division shall be binding on the insurance
2 division.

3 B. On the effective date of this act, all
4 references in the law to the following units of the public
5 regulation commission shall be deemed to be references as
6 follows:

7 (1) those of the consumer relations division
8 shall be deemed to be references to the business services
9 division;

10 (2) those of the legal division shall be
11 deemed to be references to the administrative services
12 division;

13 (3) those of the transportation division shall
14 be deemed to be references to the business services division;
15 and

16 (4) those of the state fire marshal and the
17 fire marshal division shall be deemed to be references to the
18 insurance division.

19 SECTION 12. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2012.