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HOUSE BILL 47

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Thomas C. Taylor

AN ACT

RELATING TO THE PUBLIC REGULATION COMMISSION; PROVIDING FOR  
CONSTITUTIONALLY MANDATED INCREASED QUALIFICATIONS AND  
CONTINUING EDUCATION REQUIREMENTS FOR PUBLIC REGULATION  
COMMISSIONERS; PROVIDING FOR THE WITHHOLDING OF COMPENSATION.

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

**SECTION 1.** A new section of the Public Regulation  
Commission Act is enacted to read:

"[NEW MATERIAL] QUALIFICATIONS OF COMMISSIONERS.--

A. In addition to other requirements imposed by  
law, in order to qualify to hold office, a candidate for  
election or a prospective appointee to a commissioner position  
shall:

(1) be a commissioner on or after January 1,  
2011;

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1 (2) have a baccalaureate or more advanced  
2 degree from an institution of higher education that has been  
3 accredited by a regional or national accrediting body and at  
4 which the candidate or prospective appointee majored in or  
5 pursued a primary course of study in accounting, business  
6 administration, earth sciences, economics, energy, engineering,  
7 environmental sciences, finance, law, mathematics, public or  
8 government administration, statistics, utility regulation or  
9 water science and management; or

10 (3) have seven or more years of professional  
11 experience in one or more of the following fields: accounting,  
12 advocating for consumer or environmental issues before energy  
13 or utility regulatory bodies, earth sciences, economics,  
14 energy, engineering, finance, law, public or government  
15 administration, telecommunications, utility regulation or the  
16 regulation or management of water or wastewater. As used in  
17 this paragraph, "professional experience" means employment in  
18 which the candidate or prospective appointee for commissioner  
19 regularly made decisions requiring discretion and independent  
20 judgment and:

21 (a) analyzed or interpreted numerical or  
22 statistical data;

23 (b) engaged in policy analysis, research  
24 or implementation;

25 (c) advocated before a regulatory

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1 agency; or

2 (d) managed a business, organization,  
3 agency, division or department that had more than ten employees  
4 during the time it was managed by the candidate or prospective  
5 appointee.

6 B. In addition to filing a declaration of candidacy  
7 and nominating petition as required by Chapter 1, Article 8  
8 NMSA 1978, a candidate or, in the case of a vacancy on the  
9 commission, a prospective appointee shall file with the  
10 secretary of state, in a manner determined by the secretary,  
11 documentation demonstrating that the candidate or prospective  
12 appointee satisfies the qualifications requirement of  
13 Subsection A of this section. The documentation shall consist  
14 of:

15 (1) a certified transcript issued by an  
16 educational institution that includes the degree earned and the  
17 date it was awarded; or

18 (2) a sworn affidavit from a person other than  
19 the candidate or prospective appointee attesting to the  
20 candidate's or prospective appointee's professional experience.  
21 The affidavit shall state the length of the candidate's or  
22 prospective appointee's employment and describe specifically  
23 how the position or positions held by the candidate or  
24 prospective appointee satisfy the requirement of professional  
25 experience.

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C. In the case of a candidate:

(1) the qualifications documentation shall be filed with the secretary of state no later than 5:00 p.m. on the filing date for the candidate's declaration of candidacy and nominating petition; and

(2) upon receipt of the qualifications documentation, and no later than 5:00 p.m. on the fifteenth day following the filing date, the secretary of state shall determine whether the documentation satisfies the requirements of Subsection A of this section. The secretary of state shall notify the candidate in writing whether the candidate is qualified or not qualified to hold the office of commissioner. If the secretary of state determines that the candidate is qualified, within forty-two days following the filing date, the secretary of state shall certify the name of the candidate for commissioner.

D. In the case of a prospective appointee:

(1) the qualifications documentation shall be filed with the secretary of state prior to an appointment announcement by the governor; and

(2) upon receipt of the qualifications documentation and no later than 5:00 p.m. on the fifteenth day following the receipt of the documentation, the secretary of state shall determine whether the documentation satisfies the requirements of Subsection A of this section. The secretary of

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1 state shall notify the governor and the prospective appointee  
2 in writing whether the prospective appointee is qualified or  
3 not qualified to hold the office of commissioner. If the  
4 secretary of state determines that the prospective appointee is  
5 qualified, the secretary of state shall notify the governor and  
6 the prospective appointee in writing that the prospective  
7 appointee is qualified to hold the office of commissioner.

8 E. If the secretary of state determines that a  
9 candidate or prospective appointee is not qualified, the  
10 candidate or, in the case of a prospective appointee, the  
11 governor may challenge that decision by filing a petition with  
12 the district court within ten days of the notification. The  
13 district court shall hear and render a decision on the matter  
14 within ten days after the petition is filed. The decision of  
15 the district court may be appealed to the supreme court within  
16 five days after the decision is rendered."

17 SECTION 2. A new section of the Public Regulation  
18 Commission Act is enacted to read:

19 "[NEW MATERIAL] CONTINUING EDUCATION REQUIREMENTS FOR  
20 COMMISSIONERS.--

21 A. Beginning July 1, 2013, a commissioner shall  
22 complete at least eighty hours of education in the first  
23 twelve-month period after taking office and forty hours of  
24 education in each subsequent twelve-month period that the  
25 commissioner serves in office. Continuing education courses

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1 shall be endorsed by the national association of regulatory  
2 utility commissioners or by the relevant licensing or  
3 professional association for a qualifying area of study for  
4 degree holders pursuant to this section. A commissioner shall  
5 be responsible for having the endorsing organization submit  
6 certification of completion of the required hours of education  
7 to the commission's chief of staff.

8 B. As an exception to Section 8-1-1 NMSA 1978, if a  
9 commissioner fails to comply with the education requirements in  
10 Subsection A of this section by the last day of a twelve-month  
11 period, the commissioner's compensation for performing the  
12 duties of the office shall be withheld by the commission until  
13 the requirements for the preceding twelve-month period or  
14 periods have been met."

15 SECTION 3. APPLICABILITY.--The provisions of Section 1 of  
16 this act apply to:

17 A. persons appointed to fill a public regulation  
18 commissioner vacancy after July 1, 2013; and

19 B. public regulation commissioners elected at the  
20 general election in 2014 and subsequent elections.