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AN ACT

RELATING TO THE PUBLIC REGULATION COMMISSION; PROVIDING FOR
CONSTITUTIONALLY MANDATED INCREASED QUALIFICATIONS FOR OFFICE
OF COMMISSIONER; PROVIDING FOR 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:

"QUALIFICATIONS OF COMMISSIONERS.--

A. In addition to other requirements imposed by
law, in order to be elected or appointed as a commissioner, a
person must be qualified for office by:

(1) having at least ten years of
professional experience in an area regulated by the
commission or in the energy sector and involving a scope of
work that includes accounting, public or business
administration, economics, finance, statistics, engineering
or law;

(2) having a total of ten years of combined
professional experience as described in Paragraph (1) of this
subsection and higher education resulting in at least a
professional license or a baccalaureate degree from an
institution of higher education that has been accredited by a

1 regional or national accrediting body in an area regulated by
2 the commission, including accounting, public or business
3 administration, economics, finance, statistics, engineering
4 or law; or

5 (3) holding the office of commissioner on
6 January 1, 2013.

7 B. As used in this section, "professional
8 experience" means employment in which the candidate or
9 prospective appointee for commissioner regularly made
10 decisions requiring discretion and independent judgment and:

11 (1) engaged in policy analysis, research or
12 implementation in an area regulated by the commission or in
13 the energy sector;

14 (2) managed, as the head, deputy head or
15 division director, a federal, state, tribal or local
16 government department or division responsible for utilities,
17 transportation or construction; or

18 (3) managed a business or organization
19 regulated by the commission or in the energy sector that had
20 five or more employees during the time it was managed by the
21 candidate or prospective appointee.

22 C. A candidate for election to the office of
23 commissioner shall certify by notarized affidavit that the
24 candidate meets the requirements of Subsection A of this
25 section to be filed with the declaration of candidacy.

1 D. A voter may challenge the candidacy for
2 election to the office of commissioner of any person seeking
3 nomination for the reason that the person seeking nomination
4 does not meet the requirements of Subsection A of this
5 section. The challenge shall be made by filing a petition in
6 the district court within ten days after the last day for
7 filing a declaration of candidacy or a statement of candidacy
8 for convention designation, which petition shall be heard in
9 the same manner as provided in Subsection F of Section 1-8-26
10 NMSA 1978."

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

13 "CONTINUING EDUCATION REQUIREMENTS FOR COMMISSIONERS.--

14 A. Beginning July 1, 2013, a commissioner shall
15 complete:

16 (1) an ethics certificate course provided in
17 person or online by a New Mexico public post-secondary
18 educational institution in the first twelve-month period
19 after taking office and at least one two-hour ethics course
20 in each subsequent twelve-month period that the commissioner
21 serves in office; and

22 (2) at least thirty-two hours of continuing
23 education relevant to the work of the commission in each
24 twelve-month period that the commissioner serves in office.

25 Continuing education courses shall be endorsed by the

1 national association of regulatory utility commissioners or
2 by the relevant licensing or professional association for a
3 qualifying area of study for degree holders pursuant to this
4 section.

5 B. A commissioner shall be responsible for having
6 the endorsing organization submit certification of completion
7 of the hours of education required pursuant to Subsection A
8 of this section to the commission's chief of staff.

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

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

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

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

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