SENATE JOINT RESOLUTION 7

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Steven P. Neville

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 11 OF THE CONSTITUTION OF NEW MEXICO
BY REPEALING SECTION 1 AND ADDING A NEW SECTION 1 TO PROVIDE
FOR THE TRANSITION TO A FIVE-MEMBER FULL-TIME PUBLIC REGULATION
COMMISSION THAT IS APPOINTED FROM THE STATE AT LARGE.

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

SECTION 1. It is proposed to amend Article 11 of the
constitution of New Mexico by repealing Section 1 and adding a
new Section 1 to read:

"A. The "public regulation commission" is created
as a full-time commission of five members appointed by the
governor with the advice and consent of the senate. Commission
members shall be appointed at large from the state to serve for
staggered four-year terms. A four-year term for a commission
position shall begin on January 1 of the year following the
.203009.1
expiration of a prior term for that position; provided that the first five members appointed to a full four-year term on or after January 1, 2017 shall be appointed as the terms of members in office prior to January 1, 2017 or elected to office at the 2016 general election expire.

B. Commission members shall be residents of New Mexico. Of the five commission members appointed pursuant to and after this 2016 amendment, one shall be an attorney licensed to practice law in New Mexico, one shall be an engineer registered in New Mexico, one shall be a certified public accountant certified in New Mexico, one shall be a person with at least five years of experience working in a regulated industry in New Mexico but not working in a regulated industry at the time of assuming office and one shall be a member of the public. The legislature may provide by law for additional qualifications for members appointed to a full term on or after January 1, 2017.

C. A commission member shall be removed only for malfeasance, misfeasance or neglect of duty after a hearing before the supreme court pursuant to court rules. The supreme court's jurisdiction over the hearing is exclusive, and its decision on the removal is final.

D. A commission member who serves two consecutive terms is ineligible to hold office as a member until one full term has intervened. No more than three members shall be
members of the same political party at the time of their appointment. A person appointed to fill a vacancy on the commission shall serve for the remainder of the unexpired term.

E. The legislature shall provide for continuing education requirements for commission members.

F. A commission member shall not accept anything of value from a person whose charges for services to the public are regulated by the commission."

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

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