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FISCAL IMPACT REPORT

SPONSOR SJC ORIGINAL DATE 2/26/19
LAST UPDATED _____ HB _____

SHORT TITLE PRC Election & Appointment, CA SJR SJR 1 & 4/SRCS/SJCS

ANALYST Martinez/Leger

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with: SJR04 and SB99

SOURCES OF INFORMATION

LFC Files

Responses Received From
Public Regulation Commission

SUMMARY

Synopsis of Bill

Senate Judiciary Committee Substitute for Senate Rules Committee Substitute for Senate Joint Resolutions 1 and 4 proposes a constitutional amendment on the appointment of the Public Regulation Commission (PRC).

Beginning January 1, 2023, PRC shall consist of three members. The governor shall nominate members from a qualified list of nominees compiled by the Public Regulation Commission nominating committee established by law. Commissioners will require the confirmation of the Senate. No more than two commissioners shall be members of the same party, and members shall serve six-year staggered terms (and be limited to two terms).

The Legislature shall provide professional qualifications and continuing education requirements for commissioners and for the creation of procedures of the PRC nominating committee.

A commissioner shall be removed for accepting anything of value from a person or entity whose charges for service are regulated by the commission, malfeasance, misfeasance, or neglect of duty, after a hearing before the supreme court pursuant to court rules. The Supreme Courts jurisdiction over the hearing is exclusive and final.

The amendment shall be submitted to the people for approval or rejection at the next general election or at any special election.

FISCAL IMPLICATIONS

The joint resolution carries no appropriation. However, potential costs could include the cost of a referendum or placement on a general election ballot. Fairly minimal costs or savings might arise from administrative changes to the PRC that might result from adoption of this resolution.

SIGNIFICANT ISSUES

The Public Regulation Commission submitted the following for the original analysis:

The PRC has constitutional responsibility for regulating public utilities, including electric, natural gas and water companies; transportation companies, including common and contract carriers; transmission and pipeline companies, including telephone, telegraph and information transmission companies; and other public service companies in such manner as the legislature shall provide. N.M. Const. Art XI, § 2. As presently constituted, the PRC is composed of five members elected by district.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The Public Regulation Commission Act, NMSA 1978, § 8-8-1 et seq. (2013), would need to be amended to conform to any portions of this resolution that may differ from the current constitutional provision.

JM/JL/gb/al