

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTIONS 1 & 4

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT THE PUBLIC REGULATION COMMISSION CONSIST OF THREE MEMBERS APPOINTED BY THE GOVERNOR FROM A LIST OF PROFESSIONALLY QUALIFIED NOMINEES SUBMITTED TO THE GOVERNOR BY A NOMINATING COMMITTEE AS PROVIDED BY LAW AND THAT THE COMMISSION IS REQUIRED TO REGULATE PUBLIC UTILITIES AND MAY BE REQUIRED TO REGULATE OTHER PUBLIC SERVICE COMPANIES.

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

SECTION 1. It is proposed to amend Article 11, Section 1 of the constitution of New Mexico to read:

"A. The "public regulation commission" is created. Until January 1, 2023, the commission shall consist of five members elected from districts provided by law for staggered four-year terms beginning on January 1 of the year following

.214401.1

underscored material = new
[bracketed material] = delete

1 their election; provided that [~~those chosen at the first~~
2 ~~general election after the adoption of this section shall~~
3 ~~immediately classify themselves by lot, so that two of them~~
4 ~~shall hold office for two years and three of them for four~~
5 ~~years; and further provided that]~~ after serving two terms,
6 members shall be ineligible to hold office as a commission
7 member until one full term has intervened; and provided further
8 that commission members elected for terms beginning January 1,
9 2021 shall hold office for two years.

10 B. Beginning January 1, 2023, the commission shall
11 consist of three members. The governor shall nominate members
12 from a list of qualified nominees submitted to the governor by
13 the public regulation commission nominating committee, as
14 provided by law, and by and with the consent of the senate
15 shall appoint members to fill positions and vacancies on the
16 commission; provided that no more than two commissioners shall
17 be members of the same political party. Members so appointed
18 shall serve six-year staggered terms; provided that, after
19 serving two consecutive six-year terms, members shall be
20 ineligible to hold office as commissioner until one full term
21 has intervened. A person appointed to fill a vacancy on the
22 commission shall serve for the remainder of the unexpired term.

23 C. A six-year term for a commission position shall
24 begin on January 1 of the year following the expiration of the
25 prior term for that position; provided that in January 2023,

1 one member shall be appointed for an initial term of two years,
 2 one member for an initial term of four years and one member for
 3 a six-year term.

4 D. The legislature shall provide, by law,
 5 [increased] for professional qualifications [for commissioners]
 6 and continuing education requirements for commissioners [The
 7 increased qualifications provided by this 2012 amendment shall
 8 apply to public regulation commissioners elected at the general
 9 election in 2014 and subsequent elections and to commissioners
 10 appointed to fill a vacancy at any time after July 1, 2013. No
 11 commissioner or candidate for the commission shall accept
 12 anything of value from a person or entity whose charges for
 13 services to the public are regulated by the commission.] and
 14 for the creation of and procedures for the public regulation
 15 commission nominating committee.

16 E. A commission member may be removed for accepting
 17 anything of value from a person or entity whose charges for
 18 services to the public are regulated by the commission,
 19 malfeasance, misfeasance or neglect of duty, after a hearing
 20 before the supreme court pursuant to court rules. The supreme
 21 court's jurisdiction over the hearing is exclusive, and its
 22 decision on the removal is final."

23 **SECTION 2.** It is proposed to amend Article 11, Section 2
 24 of the constitution of New Mexico to read:

25 "The public regulation commission shall have

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1 responsibility for regulating public utilities [~~including~~
2 ~~electric, natural gas and water companies; transportation~~
3 ~~companies, including common and contract carriers; transmission~~
4 ~~and pipeline companies, including telephone, telegraph and~~
5 ~~information transmission companies; and~~] as provided by law.
6 The public regulation commission may have responsibility for
7 regulation of other public service companies in such manner as
8 the legislature shall provide. [~~The public regulation~~
9 ~~commission shall have responsibility for regulating insurance~~
10 ~~companies and others engaged in risk assumption as provided by~~
11 ~~law until July 1, 2013.]"~~

12 SECTION 3. The amendment proposed by this resolution
13 shall be submitted to the people for their approval or
14 rejection at the next general election or at any special
15 election prior to that date that may be called for that
16 purpose.