HOUSE BILL 32

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2011

INTRODUCED BY

James E. Smith

AN ACT

RELATING TO THE REDISTRICTING OF THE PUBLIC REGULATION
COMMISSION; ESTABLISHING PUBLIC REGULATION COMMISSION DISTRICTS
FOR THE ELECTION OF PUBLIC REGULATION COMMISSIONERS; PROVIDING
FOR THE ELECTION AND APPOINTMENT OF PUBLIC REGULATION
COMMISSIONERS; SETTING PRECINCTS; AMENDING, REPEALING AND
ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 8-7-4 NMSA 1978 (being Laws 1997,
Chapter 262, Section 4, as amended) is amended to read:

"8-7-4. ELECTION--VACANCY.--

A. Members of the public regulation commission
shall be elected for staggered four-year terms. [provided that
commission members elected at the 1998 general election shall
classify themselves by lot so that two commission members shall

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1   [initially serve terms of two years and three commission members

2   shall serve terms of four years. Thereafter, all] Commission

3   members shall serve four-year terms; provided that, after

4   serving two consecutive terms, a commission member shall be

5   ineligible to hold office as a commission member until one full

6   term has intervened.

7   B.   The governor shall by appointment fill vacancies

8   on the public regulation commission. An appointment to fill a

9   vacancy on the public regulation commission shall be for a term

10   ending on December 31 after the next general election, at which

11   election a person shall be elected to fill any remainder of the

12   unexpired term.

13   C.   An appointment to fill a vacancy on the public

14   regulation commission made before the general election of

15   [2002] 2012 shall be made from the district as it was described

16   in Laws [1997, Chapter 262, Sections 6 through 10] 2001 (1st

17   S.S.), Chapter 3, Sections 3 through 7. After the general

18   election of [2002] 2012, a vacancy shall be filled by

19   appointment from the district set out in Sections 8-7-6 through

20   8-7-10 NMSA 1978."

21   SECTION 2. Section 8-7-5 NMSA 1978 (being Laws 1997,

22   Chapter 262, Section 5, as amended) is amended to read:

23   "8-7-5. PRECINCTS.--

24   A.   Designations and boundaries used in the Public

25   Regulation Commission Apportionment Act are those precinct

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1 designations and boundaries established pursuant to the

2 Precinct Boundary Adjustment Act and revised and approved by

3 the secretary of state as of August 31, [2001] 2011.

4 B. A board of county commissioners shall not create

5 any precinct that lies in more than one public regulation

6 commission district and shall not divide any precinct so that

7 the divided parts of the precinct are situated in two or more

8 public regulation commission districts. Votes cast in a

9 [statewide] public regulation commission election from

10 precincts created or divided in violation of this subsection

11 are invalid and shall not be counted or canvassed."

12 **SECTION 3.** Section 8-7-6 NMSA 1978 (being Laws 2001 (1st

13 S.S.), Chapter 3, Section 3) is repealed and a new Section

14 8-7-6 NMSA 1978 is enacted to read:

15 "8-7-6. [NEW MATERIAL] PUBLIC REGULATION COMMISSION

16 DISTRICT ONE.--Public regulation commission district one is

17 composed of Bernalillo county precincts 4, 5, 7 through 30, 39,

18 79 through 85, 89, 107, 108, 110 through 115, 117 through 121,

19 125, 127, 128, 131, 150 through 154, 161 through 166, 180

20 through 187, 191 through 197, 211, 212, 215, 216, 241 through

21 246, 251 through 257, 271 through 275, 278, 281 through 287,

22 291 through 293, 295, 297 through 302, 304 through 308, 311

23 through 318, 321 through 323, 326, 327, 329, 341 through 347,

24 351 through 358, 371 through 375, 381 through 387, 400 through

25 456, 461 through 466, 471 through 478, 480 through 500, 502

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1 through 550, 560 through 566, 568, 569 and 601 through 603."

2 **SECTION 4.** Section 8-7-7 NMSA 1978 (being Laws 2001 (1st

3 S.S.), Chapter 3, Section 4) is repealed and a new Section

4 8-7-7 NMSA 1978 is enacted to read:

5 "8-7-7. [NEW MATERIAL] PUBLIC REGULATION COMMISSION

6 DISTRICT TWO.--Public regulation commission district two is

7 composed of Bernalillo county precincts 258, 289, 290, 294,

8 296, 303, 324, 328, 330 through 333, 551 through 559 and 570

9 through 573; Chaves county; Colfax county; Curry county; De

10 Baca county; Dona Ana county precincts 74 through 76; Eddy

11 county; Guadalupe county; Harding county; Lea county; Lincoln

12 county precincts 1, 3, 12 and 14 through 16; Otero county

13 precincts 1 through 13, 19, 20, 22, 23, 26 through 28, 30

14 through 33, 35, 37 through 39 and 41; Quay county; Roosevelt

15 county; San Miguel county precincts 14 and 15; Santa Fe county

16 precincts 18, 19, 73, 84 and 85; Torrance county; and Union

17 county."

18 **SECTION 5.** Section 8-7-8 NMSA 1978 (being Laws 2001 (1st

19 S.S.), Chapter 3, Section 5) is repealed and a new Section

20 8-7-8 NMSA 1978 is enacted to read:

21 "8-7-8. [NEW MATERIAL] PUBLIC REGULATION COMMISSION

22 DISTRICT THREE.--Public regulation commission district three is

23 composed of Bernalillo county precincts 1 through 3, 6, 68, 69,

24 78, 86, 87, 116, 129, 170, 171 and 567; Los Alamos county; Mora

25 county; Rio Arriba county precincts 1 through 18, 20, 21, 28,

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31 through 34 and 36 through 42; San Miguel county precincts 1 through 13 and 16 through 28; Sandoval county precincts 1 through 6, 11 through 13, 28 through 76 and 80 through 86; Santa Fe county precincts 1 through 17, 20 through 72, 74 through 83 and 86 through 88; and Taos county."

SECTION 6. Section 8-7-9 NMSA 1978 (being Laws 2001 (1st S.S.), Chapter 3, Section 6) is repealed and a new Section 8-7-9 NMSA 1978 is enacted to read:

"8-7-9. [NEW MATERIAL] PUBLIC REGULATION COMMISSION DISTRICT FOUR.--Public regulation commission district four is composed of Bernalillo county precincts 31 through 38, 40 through 67, 70 through 77, 88, 90 through 99, 101 through 106, 109, 122 through 124, 132 through 144, 214, 217, 221 and 223 through 226; Cibola county; McKinley county; Rio Arriba county precincts 19, 22 through 27, 29, 30 and 35; San Juan county; Sandoval county precincts 7 through 10, 14 through 27, 78 and 79; Socorro county precincts 15 and 26; and Valencia county precinct 13."

SECTION 7. Section 8-7-10 NMSA 1978 (being Laws 2001 (1st S.S.), Chapter 3, Section 7) is repealed and a new Section 8-7-10 NMSA 1978 is enacted to read:

"8-7-10. [NEW MATERIAL] PUBLIC REGULATION COMMISSION DISTRICT FIVE.--Public regulation commission district five is composed of Catron county; Dona Ana county precincts 1 through 73 and 77 through 120; Grant county; Hidalgo county; Lincoln

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county precincts 2, 4 through 11, 13 and 17 through 21; Luna county; Otero county precincts 14 through 18, 21, 24, 25, 29, 34, 36 and 40; Sierra county; Socorro county precincts 1 through 14 and 16 through 25; and Valencia county precincts 1 through 12 and 14 through 41."

SECTION 8. Section 8-7-11 NMSA 1978 (being Laws 2001 (1st S.S.), Chapter 3, Section 8) is amended to read:

"8-7-11. ELECTION OF PUBLIC REGULATION COMMISSIONERS.-- Commissioners for public regulation commission districts two, four and five shall be elected from the districts described in Sections 8-7-7, 8-7-9 and 8-7-10 NMSA 1978 at the [2002] 2014 and subsequent general elections. Commissioners for public regulation commission districts one and three shall be elected from the districts described in Sections 8-7-6 and 8-7-8 NMSA 1978 at the [2004] 2012 and subsequent general elections."

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