

HOUSE JOINT RESOLUTION 14

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 11 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE FOR AN APPOINTED PUBLIC REGULATION COMMISSION THAT IS SUBJECT TO A RETENTION ELECTION.

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. The commission shall consist of five members ~~[elected]~~ appointed or retained from districts provided by law for staggered four-year terms; ~~[beginning on January 1 of the year following their election; provided that those chosen at the first general election after the adoption of this section shall immediately classify themselves by lot, so that two of them shall hold office for two years and three of them for four~~

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1 ~~years; and further]~~ provided that after serving two terms,
2 members shall be ineligible to hold office as a commission
3 member until one full term has intervened. [~~Ne~~]

4 B. A vacancy on the public regulation commission
5 shall be filled by appointment as provided in this
6 constitution. A commission member shall be appointed to office
7 prior to being eligible for one nonpartisan retention election.
8 Retention of a commission member shall require at least
9 fifty-seven percent of the votes cast on the question of
10 retention or rejection.

11 C. A position on the public regulation commission
12 becomes vacant on January 1 immediately following the general
13 election at which a commission member is rejected by more than
14 forty-three percent of those voting on the question of
15 retention or rejection, or upon the expiration of the term of a
16 commission member. Otherwise, a position on the public
17 regulation commission becomes vacant upon the date of the
18 death, resignation or removal by impeachment of a commission
19 member, in which case a commission member shall be appointed
20 for the remainder of the unexpired term.

21 D. A commissioner or [~~candidate for~~] an individual
22 being considered for nomination to the commission shall not
23 accept anything of value from a person or entity whose charges
24 for services to the public are regulated by the commission.

25 E. The appointment process provided by this 2012

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1 amendment shall not apply to a commission member who was
2 elected to office in the general election of 2010 or 2012. A
3 commission member elected to office in the general election of
4 2010 or 2012 may serve the remainder of the term for which the
5 commission member was elected and may be eligible for one
6 retention election, subject to the term limitation provided in
7 Subsection A of this section."

8 SECTION 2. It is proposed to amend Article 11 of the
9 constitution of New Mexico by adding a new section to read:

10 "A. There is created the "public regulation
11 commission nominating committee". The governor, the speaker of
12 the house of representatives, the president pro tempore of the
13 senate and the chief justice of the supreme court of the state
14 shall each appoint two persons to the committee, one from each
15 of the two largest major political parties in the state, as
16 defined by law. The appointing authority shall take into
17 consideration that the diverse interests of the state are
18 represented. Members of the committee shall be appointed for
19 terms as may be provided by law. If a position on the
20 committee becomes vacant for any reason, the successor shall be
21 selected by the original appointing authority in the same
22 manner as the original appointment was made and shall serve for
23 the remainder of the term vacated.

24 B. The committee shall actively solicit, accept and
25 evaluate applications from qualified individuals for a position

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1 on the public regulation commission and may require an
2 applicant to submit any information it deems relevant to the
3 consideration of the application. The committee shall evaluate
4 the qualifications of an applicant to serve on the commission.
5 The legislature shall provide by law for the qualifications of
6 commission members.

7 C. The committee shall meet within thirty days upon
8 the occurrence of an actual vacancy or an impending vacancy on
9 the public regulation commission and within that period submit
10 to the governor the names of persons qualified to serve as a
11 commission member and recommended for appointment to the public
12 regulation commission by a majority of the committee.

13 D. Immediately after receiving the committee
14 nominations, the governor may make one request of the committee
15 for submission of additional names, and the committee shall
16 promptly submit such additional names if a majority of the
17 commission finds that additional persons would be qualified and
18 recommends those persons for appointment to the public
19 regulation commission. The governor shall fill a vacancy or
20 appoint a successor to fill an impending vacancy on the public
21 regulation commission within thirty days after receiving final
22 nominations from the committee by appointing one of the persons
23 nominated by the committee for appointment to the public
24 regulation commission. If the governor fails to make the
25 appointment within that period or from those nominations, the

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1 appointment shall be made from those nominations by the chief
2 justice or the acting chief justice of the supreme court."

3 SECTION 3. The amendment proposed by this resolution
4 shall be submitted to the people for their approval or
5 rejection at the next general election or at any special
6 election prior to that date that may be called for that
7 purpose.