

**FIFTY-FIRST LEGISLATURE
FIRST SESSION**

March 15, 2013

Mr. Speaker:

Your **CONFERENCE COMMITTEE**, to whom has been referred

**SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 8, as amended**

has had it under consideration and reports same with the following recommendation:

1. All items of Senate Floor Amendment number 1 be DISAPPROVED.
2. House Judiciary Committee Amendments Nos. 1 and 2 be APPROVED.
3. House Judiciary Committee Amendment Nos. 3 and 4 be DISAPPROVED.

and that the bill be amended further as follows:

4. On page 1, line 13, before the period, insert "REQUIREMENTS FOR PUBLIC REGULATION COMMISSIONERS; PROVIDING FOR THE WITHHOLDING OF COMPENSATION".

5. On pages 1 through 3, strike Section 1 in its entirety and insert in lieu thereof the following sections:

"SECTION 1. A new section of the Public Regulation Commission Act is enacted to read:

"[NEW MATERIAL] QUALIFICATIONS OF COMMISSIONERS.--

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A. In addition to other requirements imposed by law, in order to be elected or appointed as a commissioner, a person must be qualified for office by:

(1) having at least ten years of professional experience in an area regulated by the commission or in the energy sector and involving a scope of work that includes accounting, public or business administration, economics, finance, statistics, engineering or law;

(2) having a total of ten years of combined professional experience as described in Paragraph (1) of this subsection and higher education resulting in at least a professional license or a baccalaureate degree from an institution of higher education that has been accredited by a regional or national accrediting body in an area regulated by the commission, including accounting, public or business administration, economics, finance, statistics, engineering or law; or

(3) holding the office of commissioner on January 1, 2013.

B. As used in this section, "professional experience" means employment in which the candidate or prospective appointee for commissioner regularly made decisions requiring discretion and independent judgment and:

(1) engaged in policy analysis, research or implementation in an area regulated by the commission or in the energy sector;

(2) managed, as the head, deputy head or division director, a federal, state, tribal or local government department

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or division responsible for utilities, transportation or construction; or

(3) managed a business or organization regulated by the commission or in the energy sector that had five or more employees during the time it was managed by the candidate or prospective appointee.

C. A candidate for election to the office of commissioner shall certify by notarized affidavit that the candidate meets the requirements of Subsection A of this section to be filed with the declaration of candidacy.

D. A voter may challenge the candidacy for election to the office of commissioner of any person seeking nomination for the reason that the person seeking nomination does not meet the requirements of Subsection A of this section. The challenge shall be made by filing a petition in the district court within ten days after the last day for filing a declaration of candidacy or a statement of candidacy for convention designation, which petition shall be heard in the same manner as provided in Subsection F of Section 1-8-26 NMSA 1978."

SECTION 2. A new section of the Public Regulation Commission Act is enacted to read:

"[NEW MATERIAL] CONTINUING EDUCATION REQUIREMENTS FOR COMMISSIONERS.--

A. Beginning July 1, 2013, a commissioner shall complete:

(1) an ethics certificate course provided in person or online by a New Mexico public post-secondary

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educational institution in the first twelve-month period after taking office and at least one two-hour ethics course in each subsequent twelve-month period that the commissioner serves in office; and

(2) at least thirty-two hours of continuing education relevant to the work of the commission in each twelve-month period that the commissioner serves in office. Continuing education courses shall be endorsed by the national association of regulatory utility commissioners or by the relevant licensing or professional association for a qualifying area of study for degree holders pursuant to this section.

B. A commissioner shall be responsible for having the endorsing organization submit certification of completion of the hours of education required pursuant to Subsection A of this section to the commission's chief of staff.

C. As an exception to Section 8-1-1 NMSA 1978, if a commissioner fails to comply with the education requirements in Subsection A of this section by the last day of a twelve-month period, the commissioner's compensation for performing the duties of the office shall be withheld by the commission until the requirements for the preceding twelve-month period or periods have been met."

SECTION 3. APPLICABILITY.--The provisions of Section 1 of this act apply to:

A. persons appointed to fill a public regulation commissioner vacancy after July 1, 2013; and

B. public regulation commissioners elected at the general election in 2014 and subsequent elections."

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Respectfully submitted,

Paul C. Bandy

Emily Kane

Thomas C. Taylor

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____