

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 8

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO THE PUBLIC REGULATION COMMISSION; PROVIDING FOR
QUALIFICATIONS FOR OFFICE OF COMMISSIONER; PROVIDING FOR
CONTINUING EDUCATION.

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

SECTION 1. Section 8-8-3 NMSA 1978 (being Laws 1998,
Chapter 108, Section 3) is amended to read:

"8-8-3. PUBLIC REGULATION COMMISSION.--

A. The "public regulation commission", created in
Article 11, Section 1 of the constitution of New Mexico, is
composed of five commissioners elected from districts as
provided in that article and the Public Regulation Commission
Apportionment Act.

B. To be elected or appointed as a commissioner, a
person must be qualified for office by:

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1 (1) having at least three years' experience as
2 head, deputy head or division director of a state or local
3 government department responsible for utilities, transportation
4 or construction;

5 (2) having at least five years' experience as
6 a senior manager of a private-sector engineering business or a
7 company regulated by the commission or an advocacy group whose
8 primary interest as specified in its bylaws involves advocacy
9 before the commission or similar regulatory entity; or

10 (3) being licensed in New Mexico as a
11 professional engineer, certified public accountant or attorney.

12 C. A candidate shall certify by notarized affidavit
13 that the candidate meets the requirements of Subsection B of
14 this section to be filed with the declaration of candidacy. A
15 person nominated by the governor to fill a vacancy in the
16 office of commissioner shall be confirmed by the senate.

17 D. A voter may challenge the candidacy of any
18 person seeking nomination for the reason that the person
19 seeking nomination does not meet the requirements of Subsection
20 B of this section by filing a petition in the district court
21 within ten days after the last day for filing a declaration of
22 candidacy or a statement of candidacy for convention
23 designation. The district court shall hear and render a
24 decision on the matter within ten days after the filing of the
25 petition. The decision of the district court may be appealed

1 to the New Mexico supreme court within five days after the
2 decision is rendered. The New Mexico supreme court shall hear
3 and render a decision on the appeal forthwith.

4 E. Every commissioner shall complete an initial
5 ethics certificate course provided in person or online by a New
6 Mexico public post-secondary educational institution and shall
7 complete at least one two-hour ethics course annually.

8 [~~B.~~] F. The commission shall annually elect one of
9 its members [~~chairman~~] chair, who shall preside at hearings.
10 In the absence of the [~~chairman~~] chair, the commission may
11 appoint any other member to preside."

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