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## FISCAL IMPACT REPORT

SPONSOR Neville ORIGINAL DATE 2/14/19  
LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_  
SHORT TITLE Appointment of PRC Members SB 99  
ANALYST Martinez

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
		(\$200.0)	Recurring	Public Election Fund – PRC

(Parenthesis ( ) Indicate Revenue Decreases)

Relates to SJR04

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Secretary of State (SOS)

Public Regulation Commission (PRC)

### SUMMARY

#### Synopsis of Bill

This proposal strikes language in the Election Code referring to the office of Public Regulation Commission as an elective office and instead defines it as an appointed office. All requirements for a PRC member to be elected for the office, including party nominations, declaration of candidacy, use of public funding for candidacy and participation in primary election would be removed if this bill is enacted. This bill contains a delayed effective date contingent upon an amendment to the NM Constitution.

### FISCAL IMPLICATIONS

SB99 carries no appropriation.

Potential costs include the cost of a referendum or placement on a general election ballot for the related proposed constitutional amendment in SJR04. The effectiveness of SB99 is contingent upon that proposed constitutional amendment. Fairly minimal costs or savings might arise from

administrative changes to the PRC that might result from adoption of SJR04 and SB99.

The Secretary of State provided the following:

The proposed legislation removes the source of revenue to the Public Election Fund from the Public Regulation Commission, currently \$200.0 thousand annually. The remaining \$1.2 Million from Taxation and Revenue would remain as the primary funding source for the fund.

#### **ADMINISTRATIVE IMPLICATIONS**

The Secretary of State provided the following:

This bill would eliminate the need for the Secretary of State's Office (SOS) to perform the administrative functions of accepting and processing party nominations, declaration of candidacy, petitions and public financing documentation for the office of PRC.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

The Public Regulation Commission submitted the following:

SB99 is related to SJR04. SJR04 would call for a constitutional amendment to replace the five-member elected PRC with a five-member appointed PRC. The members would be appointed by the governor with the advice and consent of the senate.

SB99 would carry out statutory amendments pursuant to the proposed adoption of a constitutional amendment as described in SJR04.

The Secretary of State provided the following:

Article XI, Section 1 of the New Mexico Constitution currently requires that each of the five (5) public commissioners be elected to office in a general election. This bill contains a delayed effective date contingent upon an amendment to the NM Constitution.

Senate Joint Resolution 1 and Senate Joint Resolution 9 propose to amend the NM Constitution to provide that the PRC be comprised of three (3) elected, and two (2) appointed members.

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Maintenance of the status quo, which is a five-member PRC elected by district.

JM/gb