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SENATE JOINT RESOLUTION 1

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Peter Wirth and William H. Payne

A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT THE PUBLIC REGULATION COMMISSION CONSIST OF THREE ELECTED MEMBERS AND TWO APPOINTED MEMBERS.

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 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 years; and further~~

underscored material = new
[bracketed material] = delete

1 ~~provided that, after serving two terms, members shall be~~
2 ~~ineligible to hold office as a commission member until one full~~
3 ~~term has intervened.]~~ three elected members and two appointed
4 members. One member shall be elected from each congressional
5 district; provided that if there are more than or fewer than
6 three congressional districts, the three commission districts
7 shall be established by law. The governor shall nominate and
8 by and with the consent of the senate shall appoint two
9 members, who shall not be members of the same political party.
10 Members shall serve four-year staggered terms; provided that,
11 after serving two consecutive terms, members shall be
12 ineligible to hold office as commissioner until one full term
13 has intervened.

14 B. The terms of members elected to office in the
15 2020 general election shall expire on December 31, 2022, and
16 their positions shall be filled by appointment by the governor
17 as provided in Subsection A of this section for initial two-
18 year terms beginning January 1, 2023, and for four- year terms
19 thereafter. Three members shall be elected at the general
20 election of 2022 to replace members serving terms that began on
21 January 1, 2019, one from each district as provided in
22 Subsection A of this section, for terms of four years.

23 C. A commission member may be removed only for
24 malfeasance, misfeasance or neglect of duty after a hearing
25 before the supreme court pursuant to court rules. The supreme

.212410.1

underscored material = new
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1 court's jurisdiction over the hearing is exclusive and its
2 decision on the removal is final.

3 D. The legislature shall provide, by law,
4 [increased] qualifications for commissioners and continuing
5 education requirements for commissioners. [~~The increased~~
6 ~~qualifications provided by this 2012 amendment shall apply to~~
7 ~~public regulation commissioners elected at the general election~~
8 ~~in 2014 and subsequent elections and to commissioners appointed~~
9 ~~to fill a vacancy at any time after July 1, 2013.~~]

10 E. No commissioner or candidate for the commission
11 shall accept anything of value from a person or entity whose
12 charges for services to the public are regulated by the
13 commission."

14 SECTION 2. The amendment proposed by this resolution
15 shall be submitted to the people for their approval or
16 rejection at the next general election or at any special
17 election prior to that date that may be called for that
18 purpose.