

AN ACT

RELATING TO PUBLIC UTILITIES; CREATING A PUBLIC UTILITY ACT REVIEW COMMITTEE; REPEALING THE DELAYED REPEAL OF THE PUBLIC UTILITY ACT.

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

"Section 1. PUBLIC UTILITY ACT REVIEW COMMITTEE

CREATED--TERMINATION.--There is created a joint interim legislative committee that shall be known as the "Public Utility Act review committee". The committee shall function from the date of its appointment until the fifteenth day of December prior to the first session of the forty-sixth legislature.

Section 2. MEMBERSHIP--APPOINTMENT--VACANCIES.--

A. The Public Utility Act review committee shall be composed of ten members. The New Mexico legislative council shall appoint five members from the house of representatives and five members from the senate. At the time of making the appointments, the legislative council shall designate the chairman and vice chairman of the committee.

B. Members shall be appointed from each house so as to give the two major political parties in each house the same proportionate representation on the committee as prevails in each house; however, in no event shall either

party have less than one member from each house on the committee. At the request of the committee chairman, members may be removed from the committee by the New Mexico legislative council for non-attendance according to council policy. Vacancies on the committee, however caused, may be filled by the legislative council, or the legislative council may reduce the size of the committee by not making replacement appointments, and in such case need not readjust party representation.

C. No action shall be taken by the committee if a majority of the total membership from either house on the committee rejects such action.

Section 3. DUTIES.--After its appointment, the Public Utility Act review committee shall hold one organizational meeting to develop a work plan and budget for the ensuing interim. The work plan and budget shall be submitted to the New Mexico legislative council for approval. Upon approval of the work plan and budget by the legislative council, the committee shall examine whether the Public Utility Act should be amended and, if so, in what manner. In making its determination the committee may consider the effect of the Electric Industry Restructuring Act of 1999 on the Public Utility Act, regulatory statutes in other states, changes in market forces affecting public utilities and consumers and other relevant information to determine if changes are

necessary to the Public Utility Act to make it more efficient and effective. The committee shall report its findings and recommendations to the first session of the forty-sixth legislature.

Section 4. SUBCOMMITTEES. --Subcommittees shall be created only by majority vote of all members appointed to the Public Utility Act review committee and with the prior approval of the New Mexico legislative council. A subcommittee shall be composed of at least one member from the senate and one member from the house of representatives, and at least one member of the minority party shall be a member of the subcommittee. All meetings and expenditures of a subcommittee shall be approved by the full committee in advance of such meeting or expenditure, and the approval shall be shown in the minutes of the committee.

Section 5. PUBLIC REGULATION COMMISSION COOPERATION AND ASSISTANCE. --The public regulation commission shall assist and cooperate with the Public Utility Act review committee and provide information and materials related to the regulation of public utilities, including trends and developments nationally, regarding regulation.

Section 6. STAFF. --The staff for the Public Utility Act review committee shall be provided by the legislative council service."

Section 7. Laws 1998, Chapter 108, Section 82 is

amended to read:

"Section 82. DELAYED REPEAL. -- The following are repealed effective July 1, 2003:

A. Chapter 63, Article 7 NMSA 1978;

B. the Telephone and Telegraph Company

Certification Act;

C. the New Mexico Telecommunications Act; and

D. the Cellular Telephone Services Act. "