

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTIONS 1 & 4

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

A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT THE PUBLIC REGULATION COMMISSION CONSIST OF THREE MEMBERS APPOINTED BY THE GOVERNOR FROM A LIST OF PROFESSIONALLY QUALIFIED NOMINEES SUBMITTED TO THE GOVERNOR BY A NOMINATING COMMITTEE AS PROVIDED BY LAW AND REMOVE COMMISSION JURISDICTION OVER TRANSPORTATION COMPANIES.

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. Until January 1, 2023, 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~~

1 ~~general election after the adoption of this section shall~~
2 ~~immediately classify themselves by lot, so that two of them~~
3 ~~shall hold office for two years and three of them for four~~
4 ~~years; and further provided that]~~ after serving two terms,
5 members shall be ineligible to hold office as a commission
6 member until one full term has intervened; and provided further
7 that commission members elected for terms beginning January 1,
8 2021 shall hold office for two years.

9 B. Beginning January 1, 2023, the commission shall
10 consist of three members. The governor shall nominate members
11 from a list of qualified nominees submitted to the governor by
12 the public regulation commission nominating committee, as
13 provided by law, and by and with the consent of the senate
14 shall appoint members to fill positions and vacancies on the
15 commission; provided that no more than two commissioners shall
16 be members of the same political party. Members so appointed
17 shall serve six-year staggered terms; provided that, after
18 serving two consecutive six-year terms, members shall be
19 ineligible to hold office as commissioner until one full term
20 has intervened. A person appointed to fill a vacancy on the
21 commission shall serve for the remainder of the unexpired term.

22 C. A six-year term for a commission position shall
23 begin on January 1 of the year following the expiration of the
24 prior term for that position; provided that in January 2023,
25 one member shall be appointed for an initial term of two years,

1 one member for an initial term of four years and one member for
 2 a six-year term.

3 D. A commission member may be removed only for
 4 malfeasance, misfeasance or neglect of duty after a hearing
 5 before the supreme court pursuant to court rules. The supreme
 6 court's jurisdiction over the hearing is exclusive, and its
 7 decision on the removal is final.

8 E. The legislature shall provide, by law,
 9 [increased] for professional qualifications [for commissioners]
 10 and continuing education requirements for commissioners [The
 11 increased qualifications provided by this 2012 amendment shall
 12 apply to public regulation commissioners elected at the general
 13 election in 2014 and subsequent elections and to commissioners
 14 appointed to fill a vacancy at any time after July 1, 2013] and
 15 for the creation of and procedures for the public regulation
 16 commission nominating committee.

17 F. No commissioner [or candidate for the
 18 commission] shall accept anything of value from a person or
 19 entity whose charges for services to the public are regulated
 20 by the commission."

21 **SECTION 2.** It is proposed to amend Article 11, Section 2
 22 of the constitution of New Mexico to read:

23 "The public regulation commission shall have
 24 responsibility for regulating public utilities, including
 25 electric, natural gas and water companies; [transportation

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1 ~~companies, including common and contract carriers]~~ transmission
2 and pipeline companies, including telephone, telegraph and
3 information transmission companies; and other public service
4 companies in such manner as the legislature shall provide.

5 ~~[The public regulation commission shall have responsibility for~~
6 ~~regulating insurance companies and others engaged in risk~~
7 ~~assumption as provided by law until July 1, 2013.]"~~

8 SECTION 3. The amendment proposed by this resolution
9 shall be submitted to the people for their approval or
10 rejection at the next general election or at any special
11 election prior to that date that may be called for that
12 purpose.