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SENATE JOINT RESOLUTION 10

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

INTRODUCED BY

Peter Wirth

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~~

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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. One member shall be appointed by  
8 the governor and one member appointed jointly by the president  
9 pro tempore of the senate and the speaker of the house of  
10 representatives. Members shall serve four-year staggered  
11 terms; provided that, after serving two consecutive terms,  
12 members shall be ineligible to hold office as commissioner  
13 until one full term 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 and legislature as provided in Subsection A of this section for  
18 initial two-year terms beginning January 1, 2023, and for four-  
19 year terms thereafter. Three members shall be elected at the  
20 general election of 2022 to replace members serving terms that  
21 began on 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

.211260.2

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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.