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SENATE BILL

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO THE PUBLIC REGULATION COMMISSION; REPEALING THE PUBLIC REGULATION COMMISSION APPORTIONMENT ACT AND THE PUBLIC REGULATION COMMISSION ACT; PROVIDING FOR THE APPOINTMENT OF A LEGISLATIVE COMMITTEE TO RECOMMEND HOW THE JURISDICTION, AUTHORITY AND DUTIES OF THE PUBLIC REGULATION COMMISSION ARE INTEGRATED INTO THE EXECUTIVE BRANCH.

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

SECTION 1. TEMPORARY PROVISION--REGULATORY STRUCTURE COMMITTEE--MEMBERSHIP--DUTIES.--

A. The New Mexico legislative council shall appoint a "regulatory structure committee" to study the jurisdiction, authority and duties of the public regulation commission and to make recommendations to the legislature and the governor on how the powers and duties of the public regulation commission

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1 should be integrated into the executive branch.

2 B. The committee shall be composed of twelve
3 members. The legislative council shall appoint six members
4 from the house of representatives and six members from the
5 senate. Members shall be appointed from each house so as to
6 give the two major political parties in each house the same
7 proportionate representation on the task force as prevails in
8 each house; provided that in no event shall either party have
9 less than two members from each house on the committee. At the
10 time of making the appointments, the legislative council shall
11 designate the chairperson and vice chairperson of the
12 committee.

13 C. The legislative council may appoint no more than
14 one member from each party from each house as advisory members.

15 D. At the request of the committee chairperson, a
16 member may be removed from the committee by the legislative
17 council for nonattendance according to legislative council
18 policy. Vacancies on the committee, however caused, may be
19 filled by appointment by the legislative council or the
20 legislative council may reduce the size of the committee by not
21 making replacement appointments. If the legislative council
22 reduces the size of the committee, it need not readjust party
23 representation unless a party has less than two members on the
24 committee.

25 E. No action shall be taken by the committee if a

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1 majority of the total membership from either house on the
2 committee rejects the action.

3 F. After its appointment, the committee shall hold
4 one organizational meeting to develop a work plan and budget
5 for the ensuing interim. The work plan and budget shall be
6 submitted to the legislative council for approval.

7 G. The legislative council, in consultation with
8 the governor, shall appoint an advisory panel of experts in the
9 areas regulated by the public regulation commission and those
10 knowledgeable about the organizational structure of the
11 executive branch of government. The advisory panel shall
12 assist the committee and make recommendations on technical
13 aspects of the committee's work.

14 H. Subcommittees may be created only by majority
15 vote of all members appointed to the committee. A subcommittee
16 shall be composed of at least one member from the house of
17 representatives and one member from the senate, and at least
18 one member of the minority party shall be a member of the
19 subcommittee. All meetings and expenditures of a subcommittee
20 shall be approved by the full committee in advance of the
21 meeting or expenditure, and the approval shall be shown in the
22 minutes of the committee.

23 I. The committee shall make a report of its
24 findings and recommendations for the consideration of the
25 second session of the fifty-first legislature. The report and

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1 proposed legislation shall be made available to the legislative
2 council on or before December 30 preceding the session.

3 J. Staff for the committee shall be provided by the
4 legislative council service. The public regulation commission,
5 its staff and any other state agency shall assist the committee
6 as requested by the legislative council service. The
7 legislative council service may contract for professional,
8 technical and clerical assistance as needed to assist the
9 committee.

10 SECTION 2. REPEAL.--Sections 8-7-1 through 8-7-11 and
11 8-8-1 through 8-8-21 NMSA 1978 (being Laws 1997, Chapter 262,
12 Sections 1 through 5, Laws 2001 (1st S.S.), Chapter 3, Sections
13 3 through 8, Laws 1998, Chapter 108, Sections 1 through 4, Laws
14 2009, Chapter 216, Section 1, Laws 1998, Chapter 108, Sections
15 5 through 9, Laws 2001, Chapter 80, Section 1, Laws 2007,
16 Chapter 161, Section 4, Laws 1998, Chapter 108, Sections 10
17 through 12, Laws 2000, Chapter 100, Section 1 and Laws 2000,
18 Chapter 102, Section 1 and Laws 1998, Chapter 108, Sections 13
19 through 20 and 80, as amended) are repealed.

20 SECTION 3. ACT CONTINGENT ON CONSTITUTIONAL AMENDMENT.--
21 This act is contingent upon approval by the people of a
22 constitutional amendment entitled PROPOSING TO AMEND ARTICLE 11
23 OF THE CONSTITUTION OF NEW MEXICO BY REPEALING SECTIONS 1 AND 2
24 TO ELIMINATE THE PUBLIC REGULATION COMMISSION AS A
25 CONSTITUTIONAL AGENCY AND PROVIDE BY LAW FOR ITS POWERS AND

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DUTIES.

SECTION 4. EFFECTIVE DATE.--If the constitutional amendment is approved as provided in Section 3 of this act, the effective date of the provisions of Section 1 of this act is April 1, 2013 and the effective date of the provisions of Section 2 of this act is July 1, 2014.