HOUSE JOINT RESOLUTION 8

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 11 OF THE CONSTITUTION OF NEW

MEXICO TO PROVIDE FOR AN APPOINTED PUBLIC REGULATION COMMISSION

SELECTED FROM A LIST OF NAMES PROVIDED TO THE GOVERNOR BY A

NOMINATING COMMITTEE AND TO PROVIDE FOR THE TRANSITION FROM

ELECTED TO APPOINTED COMMISSIONERS.

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]

commissioners appointed by the governor from a list of names

provided by the public regulation commission nominating

committee from districts provided by law for staggered four-

year terms [beginning on January 1 of the year following their

1   election; provided that those chosen at the first general

2   election after the adoption of this section shall immediately

3   classify themselves by lot, so that two of them shall hold

4   office for two years and three of them for four years];

5   provided that commissioners elected or appointed to fill an

6   elected vacancy prior to January 1, 2019 shall continue to hold

7   office until the end of their terms; and further provided that

8   after serving two terms, [members] commissioners shall be

9   ineligible to hold office as a [commission member] commissioner

10   until one full term has intervened.

11   B.   The legislature shall provide, by law,

12   [increased] for qualifications for commissioners and continuing

13   education requirements for commissioners. [The increased

14   qualifications provided by this 2012 amendment shall apply to

15   public regulation commissioners elected at the general election

16   in 2014 and subsequent elections and to commissioners appointed

17   to fill a vacancy at any time after July 1, 2013.]

18   C.   No commissioner or candidate for the commission

19   shall accept anything of value from a person or entity whose

20   charges for services to the public are regulated by the

21   commission."

22   SECTION 2. It is proposed to amend Article 11 of the

23   constitution of New Mexico by adding a new section to read:

24   "A. The "public regulation commission nominating

25   committee" is created and is composed of:

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1　　　　　　　　　　(1)　three persons knowledgeable about the work

2　of the public regulation commission appointed by the speaker of

3　the house of representatives after consultation with the

4　minority floor leader of the house of representatives;

5　　　　　　　　　　(2)　three persons knowledgeable about the work

6　of the public regulation commission appointed by the president

7　pro tempore of the senate after consultation with the minority

8　floor leader of the senate; and

9　　　　　　　　　　(3)　four retired district or appellate judges

10　or justices who have experience hearing cases involving utility

11　rate-setting or other public regulation commission appeals,

12　appointed by the chief justice of the supreme court.

13　　　　　　B.　The chief justice shall name one of the judges

14　or justices to serve as chairperson of the nominating

15　committee.

16　　　　　　C.　Appointed members of the nominating committee

17　shall serve at the pleasure of the appointing authority.　If a

18　vacancy occurs in an appointed position, the vacancy shall be

19　filled by appointment of the original appointing authority.

20　　　　　　D.　The nominating committee shall actively solicit,

21　accept and evaluate applications from qualified persons for the

22　position of public regulation commissioner and may require an

23　applicant to submit any information it deems relevant to the

24　consideration of the application.

25　　　　　　E.　For an original appointment to or to fill a

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1   vacancy on the public regulation commission, the nominating

2   committee shall meet within thirty days and within that period

3   submit to the governor the names of persons qualified to hold

4   office as a public regulation commissioner and recommended for

5   appointment by a majority of the committee. Immediately after

6   receiving the nominating committee's nominations, the governor

7   may make one request of the committee for submission of

8   additional names, and the committee shall promptly submit such

9   additional names if a majority of the committee finds that

10   there are additional qualified persons and recommends those

11   persons for appointment to the public regulation commission.

12   The governor shall appoint a person to fill an original

13   appointment or to fill a vacancy on the commission within

14   thirty days after receiving final nominations from the

15   nominating committee by appointing one of the persons nominated

16   by the committee for appointment. If the governor fails to

17   make the appointment within that period or from those

18   nominations, the appointment shall be made by the chief justice

19   or the acting chief justice of the supreme court from those

20   nominations. Any person appointed to fill a vacancy shall

21   serve the remainder of the term for which the person was

22   appointed."

23   SECTION 3. The amendment proposed by this resolution

24   shall be submitted to the people for their approval or

25   rejection at the next general election or at any special

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election prior to that date that may be called for that

purpose.

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