

1 SENATE JOINT MEMORIAL 18

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CONTRACT FOR
12 AN INDEPENDENT OPERATIONAL STUDY OF THE PUBLIC REGULATION
13 COMMISSION TO DETERMINE IF THE COMMISSION HAS SUFFICIENT
14 ADVISORY STAFF TO FULFILL ITS RESPONSIBILITIES EFFICIENTLY AND
15 EFFECTIVELY AND TO EXPLORE POSSIBLE CHANGES IN LAW THAT MAY BE
16 NEEDED TO MAKE THE COMMISSION MORE EFFECTIVE.

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18 WHEREAS, the public regulation commission was established
19 in 1999 to replace the former state corporation commission and
20 the New Mexico public utility commission; and

21 WHEREAS, the public regulation commission is a five-member
22 elected, administrative agency created by the constitution of
23 New Mexico and charged with the responsibility to regulate
24 public utilities, transportation companies, transmission and
25 pipeline companies and other public service companies in the

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1 manner provided by the legislature; and

2 WHEREAS, the responsibilities of the public regulation
3 commission have a substantial impact on the provision of
4 essential public services to a large portion of the general
5 public; and

6 WHEREAS, the responsibilities of the public regulation
7 commission have a substantial impact on private investment of
8 large sums of money in the state, including money obtained from
9 many members of the general public; and

10 WHEREAS, the responsibilities of the public regulation
11 commission have a substantial impact on the development, growth
12 and expansion of the general welfare, business and industry of
13 the state; and

14 WHEREAS, the advisory staff of the public regulation
15 commission may not possess the accounting, economic, financial
16 and engineering expertise needed to properly assist and advise
17 the commissioners in these areas that are critical to reach
18 fully informed and proper decisions in the public interest; and

19 WHEREAS, an independent operational study could be of
20 substantial assistance to the public regulation commission to
21 determine how to use its budget and personnel to implement
22 effective and efficient advisory staff functions to better
23 serve the public interest; and

24 WHEREAS, an independent operational study could be of
25 substantial assistance to the legislature to determine if any

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1 changes in law would assist in improving the operations of the
2 public regulation commission to better serve the public
3 interest;

4 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
5 STATE OF NEW MEXICO that the New Mexico legislative council be
6 requested to contract for an independent operational study of
7 the public regulation commission to determine if the commission
8 has advisory staff with the required expertise to assist and
9 advise the commissioners to make fully informed and proper
10 decisions in the public interest and to explore possible
11 changes in law that may be needed to make the public regulation
12 commission more effective; and

13 BE IT FURTHER RESOLVED that the New Mexico legislative
14 council be authorized to have the contractor engage such
15 experts that it deems necessary to assist in conducting the
16 operational study and to obtain information and feedback from
17 regulated companies, traditional intervenors and other persons
18 knowledgeable about regulatory agency operations; and

19 BE IT FURTHER RESOLVED that the public regulation
20 commission be requested to cooperate with the contractor in
21 conducting the operational study to the extent requested by the
22 New Mexico legislative council; and

23 BE IT FURTHER RESOLVED that the contractor report its
24 findings and recommendations to the appropriate interim
25 legislative committee by November 1, 2016; and

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BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the co-chairs of the New Mexico legislative council and the commissioners of the public regulation commission.