

1 HOUSE JOINT RESOLUTION 8

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

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 11 OF THE CONSTITUTION OF NEW MEXICO  
12 BY REPEALING SECTION 1 AND ADDING A NEW SECTION 1 TO PROVIDE  
13 FOR THE TRANSITION TO A FIVE-MEMBER FULL-TIME PUBLIC REGULATION  
14 COMMISSION THAT IS APPOINTED FROM THE STATE AT LARGE.

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16 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. It is proposed to amend Article 11 of the  
18 constitution of New Mexico by repealing Section 1 and adding a  
19 new Section 1 to read:

20 "A. The "public regulation commission" is created  
21 as a full-time commission of five members appointed by the  
22 governor with the advice and consent of the senate. Commission  
23 members shall be appointed at large from the state to serve for  
24 staggered four-year terms. A four-year term for a commission  
25 position shall begin on January 1 of the year following the

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1 expiration of a prior term for that position; provided that the  
2 first five members appointed to a full four-year term on or  
3 after January 1, 2017 shall be appointed as the terms of  
4 members in office prior to January 1, 2017 or elected to office  
5 at the 2016 general election expire.

6 B. Commission members shall be residents of New  
7 Mexico. Of the five commission members appointed pursuant to  
8 and after this 2016 amendment, one shall be an attorney  
9 licensed to practice law in New Mexico, one shall be an  
10 engineer registered in New Mexico, one shall be a certified  
11 public accountant certified in New Mexico, one shall be a  
12 person with at least five years of experience working in a  
13 regulated industry in New Mexico but not working in a regulated  
14 industry at the time of assuming office and one shall be a  
15 member of the public. The legislature may provide by law for  
16 additional qualifications for members appointed to a full term  
17 on or after January 1, 2017.

18 C. A commission member shall be removed only for  
19 malfeasance, misfeasance or neglect of duty after a hearing  
20 before the supreme court pursuant to court rules. The  
21 supreme court's jurisdiction over the hearing is exclusive, and  
22 its decision on the removal is final.

23 D. A commission member who serves two consecutive  
24 terms is ineligible to hold office as a member until one full  
25 term has intervened. No more than three members shall be

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1 members of the same political party at the time of their  
2 appointment. A person appointed to fill a vacancy on the  
3 commission shall serve for the remainder of the unexpired term.

4 E. The legislature shall provide for continuing  
5 education requirements for commission members.

6 F. A commission member shall not accept anything of  
7 value from a person whose charges for services to the public  
8 are regulated by the commission."

9 SECTION 2. The amendment proposed by this resolution  
10 shall be submitted to the people for their approval or  
11 rejection at the next general election or at any special  
12 election prior to that date that may be called for that  
13 purpose.