

ABQJournal Online » PRC in Legislative Line of Fire

The often-under-fire Public Regulation Commission could be in store for some significant changes by the time the 30-day legislative session adjourns.

A bundle of bills has been introduced that could change how commissioners are named to the board, require they meet certain qualifications and move some agency functions to other state departments.

Most are proposed constitutional amendments that would be subject to approval by voters in November.

“There’s broad public and political will to clean up the PRC,” said state Sen. Tim Keller, D-Albuquerque, of the atmosphere surrounding the commission and agency, which have been saddled with controversies over the years. Keller is sponsor of a Senate joint resolution calling for commissioners to be appointed by the governor and then subject to a retention election, like judges.

A trio of other bills are based on recommendations by nonpartisan Think New Mexico. The think tank released a report last fall not long after PRC member Jerome Block Jr. resigned and pleaded guilty to six felonies, including fraudulent use of a state credit card.

“This bipartisan package of legislation addresses the most urgent structural problem with the PRC: It combines too much power with too few qualifications,” Think New Mexico executive director Fred Nathan said.

The measures are:

- ◆ House Joint Resolution 11, sponsored by Rep. Joseph Cervantes, D-Las Cruces, and House Minority Leader Tom Taylor, R-Farmington, would establish minimum qualifications to hold a commission position – a college degree or five years of relevant professional experience. Officeholders now only need to be at least 18, a state resident for at least a year and not a convicted felon. Commissioners would continue to be elected.
- ◆ HJR 16, sponsored by Taylor and House Majority Leader Ken Martinez, D-Grants, would consolidate the reporting and registration of corporations – long criticized for inefficiency under the PRC – in a one-stop shop for business registrations and filing in the Secretary of State’s Office.
- ◆ HJR 17, sponsored by Rep. Kiki Saavedra, D-Albuquerque, and Taylor, would remove the PRC’s authority over insurance. The superintendent of insurance, instead of being a commission hire, would be nominated by an independent committee, appointed by the governor and confirmed by the Senate.

“The recent scandals underscore the need for these reforms,” Nathan said. “We’ve been pleased we’ve been able to get sponsors who are leaders in both parties.”

Keller’s bill, Senate Joint Resolution 2, was pre-filed before the session began, but has been revised. He said it now almost mirrors House Joint Resolution 14, sponsored by Rep. Brian Egolf, D-Santa Fe.

The measures call for PRC members to be appointed by the governor to four-year terms. They would then be subject to one nonpartisan retention election, similar to the procedure for judges. Keller said his bill would make the appointments subject to Senate confirmation. It also would require that a commissioner hold at least a bachelor’s degree or have five years of relevant professional experience.

Keller said he could support the Think New Mexico proposal on PRC qualifications, even though it leaves the positions elected. “I support both bills because they’re better than the status quo. But I think (they) should be appointed the same way judges are, as opposed to being elected.”

Keller is also the sponsor of Senate Bill 77, which, as it stands now, would move PRC oversight of railroads to the Department of Transportation, the Insurance Fraud Bureau to the Attorney General’s Office and corporations to the Secretary of State’s office. “We’re hoping the bill represents the ideas that everyone can agree on right now,” he said. It would require a message from the governor, however, to be “germane” in the current session.

The PRC on Tuesday voted 4-1, Ben Hall opposed, to support the Think New Mexico proposal to separate the Insurance Division and 3-2, Hall and Theresa Becenti-Aguilar opposed, on its proposal to send corporations to the Secretary of State’s office, PRC spokesman Arthur Bishop said. It did not take positions

on the appointment and qualifications measures.

The PRC took steps last year to improve the Corporation Division and recently adopted a management study proposing changes to make the PRC more operationally efficient. They include enhancing consumer relations and moving the Legal Services Division and Office of General Counsel under one person.

Egolf also has a bill to make the insurance superintendent a separate elected office.

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