

## **Editorial: Recommendations On Proposed Amendments**

Here are the Journal's recommendations for the five proposed amendments to the New Mexico Constitution on the general election ballot:

Amendment No. 2 — Allows the Legislature to establish increased qualifications and continuing education for commissioners on the Public Regulation Commission — Yes.

The PRC is one of the most powerful and least understood governmental bodies in New Mexico. Its commissioners have broad responsibilities to regulate everything from how much residents pay for natural gas and electricity and health insurance to who can start up a taxi service. And currently they only have to be 18 years old, a resident of New Mexico for a year, a resident of the district they want to represent and have no felony convictions.

It is nonsensical to say that because the president of the United States does not have to meet education and/or experience qualifications for the job, neither should PRC commissioners. The job is a quasi-judicial one that affects the lives and wallets of every resident in the state, and commissioners should have at minimum a working understanding of the law and the complex financial and technical subject areas they regulate. Whether this knowledge comes from education, work history or continuing education will be up to the Legislature, but it is essential commissioners have that knowledge. The Journal recommends a "yes" vote on Amendment No. 2.

Amendment No. 3 — Removes the duties to charter and regulate corporations from the Public Regulation Commission — Yes.

Regulating utilities and telecommunications are broad and intricate responsibilities in and of themselves; requiring the PRC to also charter and regulate corporations has taken away from its ability to focus on that core mission. The PRC's corporations bureau is known for bad customer service, delays and exorbitant up-charges to perform its tasks in a timely fashion. Rather than offering a business-friendly, one-stop shop at the Secretary of State's Office, the way 41 other states do, the current setup requires some businesses to negotiate a Byzantine registration system fraught with incompetence. The Journal recommends a "yes" vote on Amendment No. 3.

Amendment No. 4 — Removes the duty to regulate insurance companies and others engaged in risk assumption from the Public Regulation Commission — Yes.

The PRC appoints its superintendent of insurance, who in turn approves rates and policies for health, life, property, auto and title insurance. Once again this responsibility takes away from the

core mission of utility regulation, and in the process gives short shrift to what is considered one of the most complicated areas related to public policy. It is disturbing that the PRC would hold public hearings on something its members have no expertise in — actuarial science, law and the entities, items or services that insurance covers.

In fact, the PRC's insurance division is problematic in large part because the head of the division has to answer to five politicians with differing agendas. In 16 years under the PRC, every superintendent of insurance has either been fired or forced to resign.

A glaring example of the failure of the PRC's insurance division is in three years it has failed to implement reductions in title insurance rates, giving New Mexicans little confidence it will be able to adequately ensure the complex Affordable Care Act is implemented correctly, especially considering the Supreme Court ruling. This amendment would create an independent Office of the Superintendent of Insurance. The Journal recommends a "yes" vote on Amendment No. 4.

*This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.*

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