

The big fake out: Constitutional Amendment 1

Written by By Steve Fischmann Chairman Public Relations Commission Commissioner Dist. 5 – Southwest N.M.
Friday, 16 October 2020 04:02



At the top of the state initiatives section of your ballot this November you will see Constitutional Amendment 1. It seems straightforward enough. It reads like a ho-hum good government measure. Unfortunately, the ballot description of Amendment 1 deliberately conceals its real purpose - taking away your vote.

The ballot summary reads *“amend the Constitution of New Mexico to provide that the Public Regulation Commission (PRC) consist of three members appointed by the Governor from a list of professionally qualified nominees.”*

It fails to tell you that the current commission consists of five members elected by the general public. Would it be that hard to include this bit of info in describing the amendment? Voters deserve clarity about current law before being asked to change it.

The Public Regulation Commission is one of the most powerful bodies in New Mexico. It decides how much you pay for your electricity and gas, how aggressively utilities adopt renewable energy, and how quickly we will have publicly available charging stations for electric vehicles. It regulates quality of service and safety for everything from telecom to freight carriers to local water systems to ambulance service. It's important to get this stuff right.

As current Chair of the Public Regulation Commission, I've had deep conversations with constituents about Amendment 1. They almost universally oppose it. They have no interest in giving away their power to elect PRC commissioners. It's clear that backers of the amendment figured out they have a loser on their hands if the public knows what it's really about. So they came up with ballot language that hides the ball.

When legislators voted to put Constitutional Amendment 1 on the ballot, they had the best of intentions. Elected commissioners at the PRC have a checkered history ranging from

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incompetence to criminal behavior. As a sitting Commissioner, I supported the legislature's decision. Appointing commissioners appeared to be a plausible step towards addressing the expertise gap we often see at the commission. Constituent discussions and recent developments have caused me to have a change of heart.

Newly adopted statutes specify that six of the seven people who identify "qualified nominees" from which PRC Commission appointments will be made, will be selected by legislative leadership and the Governor's cabinet members. The Governor and our legislative leaders run political action committees (PACs) that often take large contributions from big utilities. While they have made admirable strides in speeding New Mexico's transition to renewable energy, there have been widespread complaints about big giveaways to power companies in the process. With Amendment 1 in place, it's not difficult to imagine utilities leveraging contributions to gubernatorial and legislative leadership PACs to select the commissioners that regulate them.

Our current elected PRC commissioners are not allowed to take direct contributions from utilities. But utilities can create their own PACs to support candidates through independently produced ads. They did just that to support my primary opponent and failed. It's much easier to buy a seven person nominating committee than it is to influence a million New Mexico voters.

The misrepresentation of Amendment 1 on the ballot only confirms my fear that it has morphed from a good government initiative into a political power play. The Governor and legislative leaders have no business driving the selection of PRC commissioners until they insulate themselves permanently and completely from utility money.

Please join me in voting no on Constitutional Amendment 1.

By Steve Fischmann
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