



State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2022-167

ESTABLISHING THE PUBLIC REGULATION COMMISSION TRIBAL ADVISORY COUNCIL

WHEREAS, the Public Regulation Commission (the “PRC”) is an important entity that regulates utilities and other public service companies to ensure the provision of adequate services at fair and reasonable rates;

WHEREAS, since its creation in 1996, the PRC consisted of a five-member commission whereby each commissioner is elected from a region of the State;

WHEREAS, this districtwide election system allowed for Native American communities to have consistent representation on the PRC;

WHEREAS, in 2020, the people of New Mexico ratified the Legislature’s proposal to amend the New Mexico Constitution to transition the PRC commissioner selection process from districtwide elections to appointment by the Governor from a list of nominees submitted by the PRC Nominating Committee;

WHEREAS, the 2020 amendment also reduced the size of the PRC from five commissioners to three commissioners;

WHEREAS, these changes make it difficult to ensure a continuity of Native American representation on the PRC;

WHEREAS, I am concerned about this lack of representation given how important the PRC’s work is to the Native American community; and

WHEREAS, it is necessary to create a council consisting of representatives from Native American communities to advise the PRC and ensure that their communities' unique considerations are regularly discussed with the PRC.

NOW, THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by the authority vested in me by the Constitution and the Laws of the State of New Mexico do hereby **ORDER** and **DIRECT** as follows:

1. Creation of Council; Purpose. The Public Regulation Commission Tribal Advisory Council (the "Council") is hereby established. The purpose of the Council is to advise the PRC on issues relevant to New Mexico's Native American communities and provide recommendations on how the PRC may best address those issues.

2. Members. The Council shall consist of one representative from: (1) one of the eight northern pueblos, (2) one of the ten southern pueblos, (3) the Navajo Nation, and (4) one of the Apache tribes. The members shall serve for a term of three years, with staggered terms. To create staggered membership terms, two members of the initial Council shall be appointed for two years and the remaining members for three years. No such member shall serve more than two consecutive full terms. Any vacancy occurring other than by expiration of term shall be filled by appointment by the Governor for the unexpired term. Appointed members shall serve at the pleasure of the Governor. The Governor shall appoint the initial Council members by January 30, 2023.

3. Consultation with PRC. The PRC is strongly encouraged to consult with the Council on a quarterly basis and to permit a member designated by the Council to participate in PRC meetings as a non-voting consultant on Council-related matters.

4. **Powers; Compensation.** The Council shall adopt by-laws and rules, convene meetings, and perform any other action useful or necessary to further the Council's purpose. Members shall not be compensated for their service, other than per diem allowed under the Per Diem and Mileage Act.

I FURTHER ORDER and DIRECT as follows:

1. This Order shall take effect immediately and shall remain in effect until renewed, modified, or rescinded.

ATTEST:

Maggie Toulouse Oliver
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 30TH DAY OF DECEMBER 2022

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Michelle Lujan Grisham
MICHELLE LUJAN GRISHAM
GOVERNOR

