

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 70

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PUBLIC UTILITIES; DISTINGUISHING BETWEEN THE PUBLIC REGULATION COMMISSION AND THE AGENCY THAT SUPPORTS THE COMMISSION; CLARIFYING AGENCY STATUTORY DUTIES; REQUIRING COMPLIANCE WITH THE GIFT ACT; MAKING OTHER CLARIFYING AND CLEANUP CHANGES TO THE PUBLIC REGULATION COMMISSION ACT; CREATING THE UTILITY OVERSIGHT FUND; CHANGING DISTRIBUTION OF COLLECTED FEES AND PENALTIES; PROVIDING FOR THE ENFORCEMENT OF FEES BY THE PUBLIC REGULATION COMMISSION.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 62-8-9 NMSA 1978 (being Laws 1957, Chapter 25, Section 1, as amended) is amended to read:

"62-8-9. DISPOSITION OF FUNDS--INTEREST AND PENALTY ON LATE PAYMENTS.--

A. All fees and money collected under the provisions of the Public Utility Act, including fees provided for in Section 62-13-2 NMSA 1978 and including fees and charges for inspection and supervision, for stenographic services and for transcripts of evidence, shall be remitted by the commission to the state treasurer and credited to the utility oversight fund not later than the day following receipt.

Payments provided for in the Public Utility Act shall be obligatory upon all utilities subject to the Public Utility Act.

B. When a fee is not paid on the date it is due, interest shall be paid to the state on the amount due. The interest on the amount due shall start to accrue on the day following the due date and will continue to accrue until the total amount due is paid. The rate of interest on a late fee payment shall be fifteen percent per year, computed at the rate of one and one-fourth percent per month.

C. In addition to any interest due on a late fee payment, a penalty shall be paid to the state for failure to

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pay the fee when it was due. The penalty imposed shall be two percent of the amount of the fee due.

D. The ~~attorney general, in the name of the state~~ commission shall bring suit to collect fees, interest and penalties that remain unpaid."

SECTION 2. Section 62-12-1 NMSA 1978 (being Laws 1941, Chapter 84, Section 73) is amended to read:

"62-12-1. MANDAMUS--INJUNCTION--UTILITIES.--Whenever the commission ~~shall be~~ is of the opinion that any person or public utility is failing or omitting or about to fail or omit to do anything required of it by ~~this~~ the Public Utility Act or by any order of the commission or is doing anything or about to do anything or permitting anything or about to permit anything to be done contrary to or in violation of ~~this~~ that act or of any order of the commission, it may ~~direct the attorney general of New Mexico to~~ commence an action or proceeding in the district court ~~in and~~ for the county of Santa Fe, or in the district court of the county in which the complaint or controversy arose, in the name of the state of New Mexico for the purpose of having ~~such~~ the violations or threatened violations stopped and prevented either by mandamus or injunction. The ~~attorney general of New Mexico~~ commission shall ~~thereupon~~ begin ~~such~~ an action or proceeding by petition to ~~such~~ the court alleging the violation or threatened violation complained of and praying for

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appropriate relief by way of mandamus or injunction. It [shall thereupon be] is the duty of the court to specify a time, not exceeding thirty days after the service of the copy of the petition, within which the public utility or person complained of must plead, and in the meantime [said] the public utility or person may for good cause shown be restrained. In case of default, the court shall immediately inquire into the facts and circumstances of the case. Such [eorporations or] persons as the court [may deem] deems necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition or in such modified or other form as will afford appropriate relief. An appeal may be taken as in other civil actions."

SECTION 3. A new section of the Public Utility Act is enacted to read:

"[NEW MATERIAL] UTILITY OVERSIGHT FUND.--The "utility oversight fund" is created as a nonreverting fund in the state treasury. The fund consists of fees collected pursuant to Sections 62-8-8, 62-8-9 and 63-7-20 NMSA 1978, as well as appropriations, gifts, grants and donations and earnings on investment of the fund. The fund shall be administered by the commission. Money in the fund is subject to appropriation by

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the legislature to the commission to carry out the commission's duties pursuant to the Public Utility Act. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers issued and signed by the chief financial officer of the commission or the chief financial officer's authorized representative."

SECTION 4. Section 62-19-2 NMSA 1978 (being Laws 1998, Chapter 108, Section 2, as amended) is amended to read:

"62-19-2. DEFINITIONS.--As used in the Public Regulation Commission Act:

A. "agency" means the organization supporting the commission, including all employees;

[A.] B. "commission" means the public regulation commission created by Article 11, Section 1 of the constitution of New Mexico;

[B.] C. "commissioner" means a person appointed to the [public regulation] commission; and

[C.] D. "person" means an individual, corporation, firm, partnership, association, joint venture or similar legal entity."

SECTION 5. Section 62-19-4 NMSA 1978 (being Laws 2020, Chapter 9, Section 18) is amended to read:

"62-19-4. PUBLIC REGULATION COMMISSION NOMINATING COMMITTEE--

A. The "public regulation commission nominating

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committee" is created and consists of seven members who are:

- (1) knowledgeable about public utility regulation;
- (2) not employed by or on behalf of or have a contract with a public utility that is regulated by the commission;
- (3) not applicants or nominees for a position on the commission; and
- (4) appointed as follows:
 - (a) four members appointed one each by the speaker of the house of representatives, the minority floor leader of the house of representatives, the president pro tempore of the senate and the minority floor leader of the senate, with no more than two members being from the same political party;
 - (b) two members appointed one each by the secretary of energy, minerals and natural resources and the secretary of economic development; and
 - (c) one member who is a member of an Indian nation, tribe or pueblo appointed by the governor.

B. A committee member shall:

- (1) be a resident of New Mexico;
- (2) serve a four-year term; and
- (3) serve without compensation, but shall be reimbursed for expenses incurred in pursuit of the member's

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duties on the committee pursuant to the Per Diem and Mileage Act.

C. The committee and individual members shall be subject to the Governmental Conduct Act, the Inspection of Public Records Act, the Financial Disclosure Act and the Open Meetings Act.

D. Administrative support shall be provided to the committee by the ~~staff of the commission~~ agency.

E. Initial appointments to the committee shall be made by the appointing authorities prior to July 1, 2022. Subsequent appointments shall be made no later than thirty days before the end of a term.

F. The first meeting of the appointed members of the committee shall be held prior to September 1, 2022. The committee shall select one member to be chair and one member to be secretary. Following the first meeting, the committee shall meet as often as necessary in order to submit a list to the governor of no fewer than five qualified nominees for appointment to the commission for the terms beginning January 1, 2023. The list shall be developed to provide geographical diversity, and nominees on the list shall be from at least three different counties of the state.

G. Subsequent to January 1, 2023, the committee shall meet at least ninety days prior to the date on which the term of a commissioner ends and as often as necessary thereafter in

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order to submit a list to the governor, at least thirty days prior to the beginning of the new term, of no fewer than two qualified nominees from diverse geographical areas of the state for appointment to the commission for each commissioner position term that is ending.

H. Upon the occurrence of a vacancy in a commissioner position, the committee shall meet within thirty days of the date of the beginning of the vacancy and as often as necessary thereafter in order to submit a list to the governor, within sixty days of the first meeting after the vacancy occurs, of no fewer than two qualified nominees from diverse geographical areas of the state for appointment to the commission to fill the remainder of the term of each commissioner position that is vacant.

I. If a position on the committee becomes vacant during a term, a successor shall be selected in the same manner as the original appointment for that position and shall serve for the remainder of the term of the position vacated.

J. The committee shall actively solicit, accept and evaluate applications from qualified individuals for a position on the commission and may require an applicant to submit any information it deems relevant to the consideration of the individual's application.

K. The committee shall select nominees for submission to the governor who, in the committee's judgment, are best

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qualified to serve as a member of the commission.

L. A majority vote of all members of the committee in favor of a person is required for that person to be included on the list of qualified nominees submitted to the governor."

SECTION 6. Section 62-19-6 NMSA 1978 (being Laws 2013, Chapter 64, Section 2, as amended) is amended to read:

"62-19-6. CONTINUING EDUCATION REQUIREMENTS FOR COMMISSIONERS.--

A. [Beginning July 1, 2013] A commissioner shall complete:

(1) [an] at least six hours of ethics [certificate] training at a course provided in person or online by a [New Mexico public] post-secondary educational institution in the first twelve-month period after taking office and at least [one two-hour ethics course] two hours of ethics training conducted by a post-secondary educational institution or by a provider of ethics training that is approved by the professional licensing board by which a commissioner is licensed in each subsequent twelve-month period that the commissioner serves in office; and

(2) at least thirty-two hours of continuing education relevant to the work of the commission in each twelve-month period that the commissioner serves in office.

B. Continuing education courses shall be endorsed by the national association of regulatory utility commissioners,

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by a post-secondary educational institution or by [the relevant] a licensing or professional association for a qualifying area of study. [for degree holders pursuant to this section.]

B.] C. A commissioner shall be responsible for having the endorsing organization submit certification of completion of the hours of education required pursuant to Subsection A of this section to the [commission's] chief of staff.

[C.] D. If a commissioner fails to comply with the education requirements in Subsection A of this section by the last day of a twelve-month period, the commissioner's compensation for performing the duties of the office shall be withheld by the [commission] agency until the requirements for the preceding twelve-month period or periods have been met."

SECTION 7. Section 62-19-8 NMSA 1978 (being Laws 1998, Chapter 108, Section 19, as amended) is amended to read:

"62-19-8. PROHIBITED ACTS--NOMINEES--COMMISSIONERS AND EMPLOYEES--

A. As used in this section, in addition to the definitions provided in Section [16 of this 2020 act] 62-19-2 NMSA 1978:

(1) "affiliated interest" means a person who directly controls or is controlled by or is under common control with a regulated entity, including an agent, representative, attorney, employee, officer, owner, director or

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partner of an affiliated interest. For the purposes of this definition, "control" includes the possession of the power to direct or cause the direction of the management and policies of a person, whether directly or indirectly, through the ownership, control or holding with the power to vote of ten percent or more of the person's voting securities;

(2) "intervenor" means a person who is intervening as a party in an adjudicatory matter [~~or commenting in a rulemaking pending~~] before the commission or has intervened in an adjudicatory [~~or rulemaking~~] matter before the commission within the preceding twenty-four months, including an agent, representative, attorney, employee, officer, owner, director, partner or member of an intervenor;

(3) "pecuniary interest" includes owning or controlling securities; serving as an officer, director, partner, owner, employee, attorney or consultant; or otherwise benefiting from a business relationship. "Pecuniary interest" does not include an investment in a mutual fund or similar third-party-controlled investment, pension or disability benefits or an interest in capital credits of a rural electric cooperative or telephone cooperative because of current or past patronage; and

(4) "regulated entity" means a person whose charges for services to the public are regulated by the commission and includes any direct or emerging competitors of a

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regulated entity and includes an agent, representative, attorney, employee, officer, owner, director or partner of the regulated entity.

B. In addition to the requirements of the Financial Disclosure Act and the Governmental Conduct Act, nominees for appointment to the commission, commissioners and employees of the [commission] agency shall comply with the requirements of the Public Regulation Commission Act, as applicable.

C. A nominee for appointment to the commission shall not solicit or accept anything of value, either directly or indirectly, from a person whose charges for services to the public are regulated by the commission. For the purposes of this subsection, "anything of value" includes money, in-kind contributions and volunteer services to the nominee or the nominee's organization, but does not include pension or disability benefits.

~~D. A commissioner or employee of the commission shall not:~~

~~(1) accept anything of value from a regulated entity, affiliated interest or intervenor. For the purposes of this paragraph, "anything of value" does not include:~~

~~(a) the cost of refreshments totaling no more than five dollars (\$5.00) a day or refreshments at a public reception or other public social function that are available to all guests equally;~~

(b) ~~inexpensive promotional items that are available to all customers of the regulated entity, affiliated interest or intervenor; or~~

(c) ~~pension or disability benefits received from a regulated entity, affiliated interest or intervenor;~~

(2) ~~have a pecuniary interest in a regulated entity, affiliated interest or intervenor, and if a pecuniary interest in an intervenor develops, the commissioner or employee shall divest that interest or self recuse from the proceeding with the intervenor interest; or~~

(3) ~~solicit any regulated entity, affiliated interest or intervenor to appoint a person to a position or employment in any capacity.]~~

D. Commissioners and employees of the agency shall comply with the provisions of the Gift Act.

E. After leaving the commission:

(1) a former commissioner shall not be employed or retained in a position that requires appearances before the commission by a regulated entity, affiliated interest or intervenor within two years of the former commissioner's separation from the commission;

(2) a former employee shall not appear before the commission representing a party to an adjudication or a participant in a rulemaking within one year of ceasing to be an employee; and

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(3) a former commissioner or employee shall not represent a party before the commission or a court in a matter that was pending before the commission while the commissioner or employee was associated with the commission and in which the former commissioner or employee was personally and substantially involved in the matter.

F. The attorney general or a district attorney may institute a civil action in the district court for Santa Fe county or, in the attorney general's or a district attorney's discretion, the district court for the county in which a defendant resides if a violation of this section has occurred or to prevent a violation of this section. A civil penalty may be assessed in the amount of two hundred fifty dollars (\$250) for each violation, not to exceed five thousand dollars (\$5,000)."

SECTION 8. Section 62-19-9 NMSA 1978 (being Laws 1998, Chapter 108, Section 4) is amended to read:

"62-19-9. COMMISSION--GENERAL POWERS AND DUTIES.--

A. The commission shall:

(1) administer and enforce the laws with which it is charged and has every power conferred by law;

(2) appoint a chief of staff;

(3) prepare an annual budget for submission to the legislature;

(4) adopt rules to streamline the resolution of

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cases before it when appropriate by:

- (a) the use of hearing examiners;
- (b) the taking of evidence with the least delay practicable;
- (c) limiting repetitious testimony; and
- (d) adopting procedures for resolving cases in ways other than by trial-type hearings when appropriate, including consent calendars, paper hearings, conferences, settlements, mediation, arbitration and other alternative dispute resolution methods and the use of agency staff decisions;

(5) provide a toll-free telephone number and publish it on the agency website; and

(6) resolve all complaints regarding telecommunications providers within sixty days unless extended for good cause by an order of the commission or hearing examiner that states with specificity the reason for and length of the extension.

B. The commission may:

~~[1) subject to legislative appropriation, appoint and employ such professional, technical and clerical assistance as it deems necessary to assist it in performing its powers and duties;~~

~~(2) (1) delegate authority [to subordinates] as it deems necessary and appropriate, clearly delineating such~~

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delegated authority and any limitations;

[~~(3) retain competent attorneys to handle the legal matters of the commission and give advice and counsel in regard to any matter connected with the duties of the commission and, in the discretion of the commission, to represent the commission in any legal proceeding;~~

~~(4) organize into organizational units as necessary to enable it to function most efficiently, subject to provisions of law requiring or establishing specific organizational units;~~

~~(5) (2) take administrative action by issuing orders not inconsistent with law to assure implementation of and compliance with the provisions of law for which the commission is responsible and to enforce those orders by appropriate administrative action and court proceedings;~~

~~(6) conduct research and studies to improve the commission's operations or the provision of services to the citizens of New Mexico;~~

~~(7) (3) conduct investigations as necessary to carry out the commission's responsibilities;~~

~~(8) apply for and accept grants and donations in the name of the state to carry out its powers and duties;~~

~~(9) enter into contracts to carry out its powers and duties;~~

~~(10) (4) adopt such reasonable administrative,~~

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regulatory and procedural rules as may be necessary or appropriate to carry out its powers and duties;

[+1+] (5) cooperate with tribal and pueblo governments on topics over which the commission and the other governments have jurisdiction and conduct joint investigations, hold joint hearings and issue joint or concurrent orders as appropriate; and

[+2+] (6) apply to the district court for injunctions to prevent violations of any laws that it administers or rules or orders adopted pursuant to those laws.

[C. The commission shall:]

~~(1) prepare an annual budget for submission to the legislature;~~

~~(2) provide for surety bond coverage for all employees of the commission as provided in the Surety Bond Act and pay the costs of such bonds;~~

~~(3) adopt rules to streamline the resolution of cases before it when appropriate by:~~

~~(a) the use of hearing examiners;~~

~~(b) the taking of evidence with the least delay practicable;~~

~~(c) limiting repetitious testimony; and~~

~~(d) adopting procedures for resolving cases in ways other than by trial-type hearings when appropriate, including consent calendars, conferences, settlements,~~

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~~mediation, arbitration and other alternative dispute resolution methods and the use of staff decisions; and~~

~~(4) provide a toll-free telephone number and publish it and the commission's general telephone number in local telephone directories.~~

D.] C. A majority of the commission constitutes a quorum for the transaction of business; provided, however, that a majority vote of the commission is needed for a final decision of the commission."

SECTION 9. Section 62-19-20 NMSA 1978 (being Laws 1998, Chapter 108, Section 14, as amended) is amended to read:

"62-19-20. HEARING EXAMINERS.--

A. The commission may appoint a commissioner or a hearing examiner to preside over any matter before the commission, including rulemakings, adjudicatory hearings and administrative matters. Hearing examiners shall conduct proceedings and issue findings and recommendations based solely on the record and applicable law, free from improper influence, interference or pressure from any source within or outside the commission.

B. A hearing examiner shall provide the commission with a ~~[recommended decision]~~ written recommendation on the matter assigned to the hearing examiner, including findings of fact and conclusions of law. ~~[The recommended decision]~~ A written recommendation shall be provided to the parties, and

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they may file exceptions to the [decision] written recommendation prior to the final decision of the commission.

C. When the commission has appointed a hearing examiner to preside over a matter, at least one member of the commission shall, at the request of a party to the proceedings, attend oral argument."

SECTION 10. Section 62-19-21 NMSA 1978 (being Laws 1998, Chapter 108, Section 15, as amended) is amended to read:

"62-19-21. COMMISSION RULES [PROCEDURES FOR ADOPTION]--

~~[A. Unless otherwise provided by law, no rule affecting a person outside the commission shall be adopted, amended or repealed except after public notice and public hearing before the commission or a hearing examiner designated by the commission.~~

~~B. Notice of the subject matter of the rule, the action proposed to be taken, the manner in which interested persons may present their views and the method by which copies of the proposed rule, amendment or repealing provisions may be obtained shall be published at least once at least thirty days prior to the hearing date in the New Mexico register and two newspapers of general circulation in the state and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice. For each rule, amendment or repealing provision that affects only one or a limited number of municipalities, towns, villages or counties,~~

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notice shall be published in the largest circulation newspaper published and distributed locally in those areas as well as in a newspaper of general circulation in the state. Additional notice may be made by posting on the internet or by using other alternative methods of informing interested persons.

C. If the commission finds that immediate adoption, amendment or suspension of a rule is necessary for the preservation of the public peace, health, safety or general welfare, the commission may dispense with notice and public hearing and adopt, amend or suspend the rule as an emergency. The commission's finding of why an emergency exists shall be incorporated in the emergency rule, amendment or suspension filed with the state records center. Upon adoption of an emergency rule that is intended to remain in effect for longer than sixty days, notice shall be given within seven days of filing the rule as required in this section for proposed rules.

D. The commission shall issue a rule within eighteen months following the publication of that proposed rule or it shall be deemed to be withdrawn. The commission may propose the same or revised rule in a subsequent rulemaking.

E. All rules shall be filed in accordance with the State Rules Act. Emergency rules shall be effective on the date the rules are filed with the state records center. All other rules shall be effective fifteen days after filing, unless a later date is provided by the rule.] Unless otherwise

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provided by law, rules shall be adopted, amended or repealed in accordance with the State Rules Act."

SECTION 11. Section 62-19-22 NMSA 1978 (being Laws 1998, Chapter 108, Section 16) is amended to read:

"62-19-22. RECORD OF PROCEEDINGS.--Unless otherwise provided by law, the commission may by rule provide that oral proceedings before the commission may be taken by any means that provides a full and complete record, including tape recording or stenography. The commission by rule shall determine when tape recordings are transcribed. A party to the proceeding may request a copy of a tape recording or a written transcript if one is provided. The [commission] agency may charge a reasonable fee for a copy of a proceeding. Copy costs shall be determined by the commission by rule and money collected shall be deposited in the [general] utility oversight fund."

SECTION 12. Section 62-19-23 NMSA 1978 (being Laws 1998, Chapter 108, Section 17, as amended) is amended to read:

"62-19-23. EX PARTE AND PERMITTED COMMUNICATIONS.--

A. A commissioner shall not initiate, permit or consider a communication directly or indirectly with a party or [his] the party's representative outside the presence of the other parties concerning a pending rulemaking after the record has been closed or a pending adjudication.

B. A hearing examiner shall not initiate, permit or

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consider a communication directly or indirectly with a party or [his] the party's representative outside the presence of the other parties concerning a pending rulemaking or adjudication.

C. Notwithstanding the provisions of Subsections A and B of this section, the following ex parte communications are permitted:

(1) where circumstances require, ex parte communications for procedural or administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are allowed if the commissioner or hearing examiner reasonably believes that no party will gain an advantage as a result of the ex parte communication and the commissioner or hearing examiner makes provision to promptly notify all other parties of the substance of the ex parte communication;

(2) a commissioner may consult with another commissioner, subject to the requirements of the Open Meetings Act, or with advisory staff whose function is to advise the commission in carrying out the commissioner's rulemaking or adjudicative responsibilities;

(3) a hearing examiner may consult with the commission's advisory staff;

(4) a commissioner or hearing examiner may obtain the advice of a nonparty expert on an issue raised in the rulemaking or adjudication if the commissioner or hearing

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examiner gives notice to the parties of the person consulted and the substance of the advice and affords the parties reasonable opportunity to respond; and

(5) pursuant to the [public regulation] commission's rulemaking authority a party to a proceeding may consult with the commission's advisory staff. [By July 1, 2004, the commission shall establish such rules.]

D. A commissioner or hearing examiner who receives or who makes or knowingly causes to be made a communication prohibited by this section shall disclose it to all parties and give other parties an opportunity to respond.

E. Upon receipt of a communication knowingly made or caused to be made by a party to a commissioner or hearing examiner in violation of this section, the commissioner or hearing examiner may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why [his] the party's claim or interest in the proceeding should not be dismissed, denied, disregarded or otherwise adversely affected on account of the violation of this section."

SECTION 13. Section 62-19-24 NMSA 1978 (being Laws 1998, Chapter 108, Section 20) is amended to read:

"62-19-24. COMMISSION REPORTS.--By [December] May 1 of each year, the commission shall report to the legislature and the governor regarding its activities for the previous year in

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sufficient detail to disclose the workings of the commission and the impact of regulation on the industries regulated by the commission. The report shall include information on consumer complaints and their status. The report may include suggestions and recommended changes in law, as the commission deems appropriate, that would be in the public interest."

SECTION 14. A new section of the Public Regulation Commission Act is enacted to read:

"[NEW MATERIAL] CHIEF OF STAFF.--

A. The chief of staff shall serve at the pleasure of the commission and act consistent with its goals, decisions and directives.

B. The chief of staff shall:

(1) be responsible for the day-to-day operations of the agency;

(2) ensure that the agency carries out all duties and responsibilities with which it is charged by law;

(3) supervise and direct the staff and operations of the agency;

(4) assign such personnel as are necessary to:

(a) serve as public interest advocacy staff to the commission in the regulation of electric, natural gas, renewable energy sources, telecommunications and water and wastewater systems as provided by law. The staff may present testimony and evidence, cross-examine witnesses and partner and

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collaborate with other stakeholders in furtherance of the advocacy staff's views on how the commission should fulfill its responsibility to balance the public interest, consumer interest and investor interest;

(b) serve as advisory staff to advise and assist the commission on any matter before the commission; provided that the advisory staff may have expertise in law, engineering, economics or other professional or technical disciplines;

(c) receive and investigate nondocketed consumer complaints and assist consumers in resolving, in a fair and timely manner, complaints against a person under the authority of the commission, including mediation and other methods of alternative dispute resolution; provided that assistance pursuant to this subparagraph does not include legal representation of a private complainant in an adjudicatory proceeding;

(d) consult with other state agencies as needed to ensure fair and timely resolution of consumer complaints;

(e) advise the commission on how to maximize public participation in commission proceedings, including ways to eliminate language, disability and other barriers;

(f) identify, research and advise the commission on consumer issues;

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(g) assist the commission in the development and implementation of consumer policies and programs;

(h) record, for the purpose of determining general concerns of consumers, all complaints with regard to quality or quantity of service provided by a regulated entity or its competitors;

(i) review disputes between telecommunications providers;

(j) investigate each complaint regarding a telecommunications provider on an expedited basis;

(k) address other telecommunications-related duties as required by the New Mexico Telecommunications Act and the commission;

(l) recommend telecommunications-related actions to the commission;

(m) record the judgments, rules, orders and other proceedings of the commission and make a complete index to the judgments, rules, orders and other proceedings;

(n) issue and attest all processes issuing from the commission and affix the seal of the commission to them;

(o) preserve the seal and other property belonging to the agency;

(p) perform other agency duties and responsibilities; and

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(q) carry out the provisions of the Pipeline Safety Act;

(5) organize the agency into organizational units as necessary to enable it to function most efficiently; and

(6) appoint a professional engineer who shall have at least five years' experience in the design, construction, maintenance and operation of oil or gas pipeline facilities, who shall be designated pipeline safety engineer for the purposes of the Pipeline Safety Act.

C. The chief of staff may:

(1) employ such professional, technical and clerical assistance as is necessary to assist the agency and commission in performing their powers and duties;

(2) hire on a temporary, term or contract basis such other experts or staff as the commission requires for a particular case;

(3) retain competent attorneys to give advice, counsel and representation in all legal matters of the commission and agency;

(4) set minimum educational and experience requirements for all staff positions;

(5) conduct research and studies to improve the agency's operations or the provision of services to the residents of New Mexico;

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(6) apply for and accept grants and donations in the name of the state to carry out the agency's powers and duties; and

(7) enter into contracts on behalf of the agency."

SECTION 15. Section 63-7-21 NMSA 1978 (being Laws 1951, Chapter 194, Section 2, as amended) is amended to read:

"63-7-21. DISPOSITION OF FEES.--All [moneys] money collected under the provisions of [~~Chapter 194, Laws of 1951~~] Section 63-7-20 NMSA 1978 shall be deposited with the state treasurer and [~~by him~~] shall be credited to the [~~general~~] utility oversight fund."

SECTION 16. Section 70-3-2 NMSA 1978 (being Laws 1953, Chapter 42, Section 3, as amended) is amended to read:

"70-3-2. LICENSE--FEES--DISPOSITION.--[Each] An operator of a pipeline [~~or pipelines~~] operated in the state [~~of New Mexico~~] for the transportation of crude oil, natural gas or the products derived [~~therefrom~~] from either shall, during the month of July, obtain a license for the operation of [~~such~~] the pipeline. Application for [~~such~~] a license shall be made upon a form to be provided by the [~~corporation~~] public regulation commission and shall be accompanied by the license fee determined as [~~hereinafter~~] provided in this section. On receipt of [~~such~~] the application and license fee, the [~~corporation~~] public regulation commission shall issue a

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license to the applicant for the current fiscal year. All license fees [so] collected shall be paid to the state treasurer and [by him] credited to the [general] utility oversight fund.

SCHEDULE OF ANNUAL LICENSE FEES

A. [Each] A person [firm, association or corporation] transporting natural gas or [the] natural gas products [derived therefrom] by pipeline [or pipelines] in New Mexico and operating a pipeline [or pipelines] and appurtenant facilities within New Mexico shall pay an annual license fee of five hundred dollars (\$500) at the time of making the application required by this section. An additional fee shall be paid, measured by the aggregate installed rated horsepower of compression facilities located within New Mexico and operated by the licensee, in accordance with the following schedule:

(1) not exceeding [10,000] ten thousand horsepower, the minimum fee with no additional fee;

(2) more than [10,000] ten thousand horsepower and not more than [30,000] thirty thousand horsepower, the minimum fee plus [\$2,275.00] two thousand two hundred seventy-five dollars (\$2,275);

(3) more than [30,000] thirty thousand horsepower and not more than [50,000] fifty thousand horsepower, the minimum fee plus [\$4,000.00] four thousand dollars (\$4,000);

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(4) more than [50,000] fifty thousand horsepower and not more than [75,000] seventy-five thousand horsepower, the minimum fee plus [\$5,000.00] five thousand dollars (\$5,000);

(5) more than [75,000] seventy-five thousand horsepower and not more than [100,000] one hundred thousand horsepower, the minimum fee plus [\$5,500.00] five thousand five hundred dollars (\$5,500); and

(6) more than [100,000] one hundred thousand horsepower, the minimum fee plus [\$5,925.00] five thousand nine hundred twenty-five dollars (\$5,925) and plus [\$75.00] seventy-five dollars (\$75.00) additional for each [10,000] ten thousand horsepower or fraction thereof in excess of [100,000] one hundred thousand horsepower.

B. [Each] An operator of a pipeline [or pipelines] for the transportation of oil or [the] its products [~~derived therefrom~~] shall pay [~~the following fees, based on the number of miles of such line operated in New Mexico~~] a basic fee of five hundred dollars (\$500) [and in addition] plus fees based on the number of miles of pipeline operated in New Mexico, computed in accordance with the following schedule:

(1) for all lines up to and including eight inches in diameter:

[~~\$13.00~~] (a) thirteen dollars (\$13.00) per mile for the first [50] fifty miles;

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[~~\$ 7.00~~] (b) seven dollars (\$7.00) per mile for the next [25] twenty-five miles;

[~~\$ 4.00~~] (c) four dollars (\$4.00) per mile for the next [25] twenty-five miles; and

[~~\$ 1.00~~] (d) one dollar (\$1.00) per mile for each mile in excess of [100] one hundred miles; and

(2) for all lines more than eight inches in diameter:

[~~\$18.00~~] (a) eighteen dollars (\$18.00) per mile for the first [25] twenty-five miles;

[~~\$13.00~~] (b) thirteen dollars (\$13.00) per mile for the next [25] twenty-five miles;

[~~\$ 9.00~~] (c) nine dollars (\$9.00) per mile for the next [25] twenty-five miles;

[~~\$ 6.00~~] (d) six dollars (\$6.00) per mile for the next [25] twenty-five miles; and

[~~\$ 2.00~~] (e) two dollars (\$2.00) per mile for each mile in excess of [100] one hundred miles.

C. For the purposes of determining the license fees payable under the provisions of [~~this~~] Subsection B of this section, any pipeline owned by two or more persons [~~firms or corporations~~] shall be considered to be a separate pipeline operation to be licensed as such in the name of the operator or owners thereof. The basic fee to be paid in the licensing of such lines under the [~~foregoing~~] fee schedule provided in

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Subsection B of this section shall be:

[~~\$500~~] (1) five hundred dollars (\$500) on lines less than twenty inches in diameter; and

[~~\$850~~] (2) eight hundred fifty dollars (\$850) on lines twenty inches or more in diameter."

SECTION 17. REPEAL.--Sections 62-19-11 through 62-19-19 and 70-3-20 NMSA 1978 (being Laws 1998, Chapter 108, Sections 5 through 8 and 10; Laws 2023, Chapter 100, Section 19; Laws 1998, Chapter 108, Section 12; Laws 2000, Chapter 100, Section 1 and Laws 2000, Chapter 102, Section 1; Laws 1998, Chapter 108, Section 13; and Laws 1969, Chapter 71, Section 10, as amended) are repealed.

SRC→**SECTION 18. EFFECTIVE DATE.**--The effective date of Section 15 of this act is July 1, 2027. ←SRC

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