

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 1216

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DANICE PICRAUX

AN ACT

RELATING TO PUBLIC UTILITIES; AMENDING SECTION 62-13-3 NMSA 1978 (BEING LAWS 1941, CHAPTER 84, SECTION 82, AS AMENDED) TO PERMIT THE NEW MEXICO PUBLIC UTILITY COMMISSION TO AWARD LITIGATION EXPENSES TO CERTAIN INTERVENORS.

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

Section 1. Section 62-13-3 NMSA 1978 (being Laws 1941, Chapter 84, Section 82, as amended) is amended to read:

"62-13-3. COSTS. --

A. Except as provided in Subsection D of this section and as otherwise provided by law, in all proceedings before the commission and in the courts, each party to the controversy shall bear his own costs and no costs shall be taxed against either party.

B. In any commission rate proceeding in which the

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

1 utility seeks rates to recover adjusted test-year litigation
2 expenses, there shall be no presumption that the litigation
3 expenses are prudent. Nothing in this section shall be
4 construed to create or imply a presumption of prudence for any
5 utility expenditures not addressed in this section.

6 C. As used in this section, "litigation expenses"
7 means all ~~[attorneys']~~ attorney fees, consulting fees and other
8 costs of litigation, including in-house expenditures.

9 D. The commission may award litigation expenses
10 reasonably incurred by intervenors participating in proceedings
11 before it who represent the residential, small commercial or
12 irrigation consumers. The commission shall adopt rules and
13 regulations governing the award of costs to intervenors pursuant
14 to this subsection. "

State of New Mexico
House of Representatives

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 3, 1997

Mr. Speaker:

**Your ENERGY AND NATURAL RESOURCES COMMITTEE, to
whom has been referred**

HOUSE BILL 1216

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.**

Underscored material = new
~~[bracketed material] = delete~~

Respectfully submitted,

James Roger Madalena, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 1 Against

Yes: 9

No: Roberts

Excused: Knowles, Ryan

Absent: None

M \H1216

Underscored material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 14, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1216

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 2, lines 9 through 14, strike Subsection D in
its entirety and insert in lieu thereof:

"D. When, in its discretion, the commission finds that
the public interest would be served, the commission may contract
to pay the litigation costs of non-governmental intervenors to
present evidence and legal argument, or otherwise intervene in
proceedings before the commission, in support of the interests of
residential, small commercial and irrigation consumers in
commission proceedings. All such contracts shall be paid for with
funds appropriated to the commission. The commission shall adopt
rules and regulations governing its award of such intervenor

. 117130. 1

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 1216

Page 6

1

2

contracts. ””.

3

Respectfully submitted,

4

5

6

7

Thomas P. Foy, Chairman

8

9

10

Adopted _____

Not Adopted _____

11

(Chief Clerk)

(Chief Clerk)

12

13

Date _____

14

The roll call vote was 9 For 0 Against

15

Yes: 9

16

Excused: Alwin, Luna, Rios, Sanchez

17

Absent: None

18

19

20

118683.1

21

M \H1216

22

23

24

25

. 117130.1

Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 14, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1216

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 2, lines 9 through 14, strike Subsection D in
its entirety and insert in lieu thereof:

"D. When, in its discretion, the commission finds that
the public interest would be served, the commission may contract
to pay the litigation costs of non-governmental intervenors to
present evidence and legal argument, or otherwise intervene in
proceedings before the commission, in support of the interests of
residential, small commercial and irrigation consumers in
commission proceedings. All such contracts shall be paid for with
funds appropriated to the commission. The commission shall adopt
rules and regulations governing its award of such intervenor

. 117130. 1

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 1216

Page 8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

contracts. ””.

Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Alwin, Luna, Rios, Sanchez

Absent: None

118683.1

M \H1216

. 117130.1

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HJC/HB 1216

Page 9

2

3

4

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

5

6

7

March 18, 1997

8

9

Mr. President:

10

Your CONSERVATION COMMITTEE, to whom has been referred

11

12

HOUSE BILL 1216, as amended

13

14

has had it under consideration and reports same with

15

recommendation that it DO NOT PASS.

16

Respectfully submitted,

17

18

19

20

21

Michael S. Sanchez, Chairman

22

23

24

25

Adopted _____ Not Adopted _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HJC/HB 1216

Page 10

2

3

(Chief Clerk)

(Chief Clerk)

4

5

6

Date _____

7

8

The roll call vote was 5 For 2 Against

9

Yes: 5

10

No: Eisenstadt, Sanchez

11

Excused: Feldman, Griego, Tsosie

12

Absent: None

13

14

H1216C01

15

16

17

18

19

20

21

22

23

24

25