

LFC Requester:

Julisa Rodriguez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: 2/6/26 *Check all that apply:*
Bill Number: HB 70s Original Correction
 Amendment Substitute

Sponsor: Rep. Kristina Ortez
 Senator Mimi Stewart
Short Title: PRC Support Agency

Agency Name and Code Number: 430 – Public Regulation Commission
Person Writing: Jacqueline Ortiz
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 70 (i) makes changes to the Public Regulation Commission Act and other related acts to make clarifying and cleanup changes, distinguishing between the three-member Commission itself and the “agency”; (ii) creates a utility oversight fund; (iii) redirects collected fees to the newly established fund, and (iv) clarifies that the Public Regulation Commission (“PRC”) shall enforce the collection of fees.

Specifically, 62-8-9 would be amended to credit a newly created utility oversight fund with all fees and money collected.

Several sections are amended to clarify that the PRC is the agency with the power to enforce the Commission’s order in district court.

The bill seeks to create the Utility Oversight Fund to be administered by the PRC and subject to the appropriation by the legislature to carry out the agency’s duties.

HB 70 would also amend Section 62-19-6 to clarify the amount of ethics training a commissioner is required to complete.

Section 62-19-8 is amended to require Commissioners and employees of the agency to comply with the provisions of the Gift Act.

Section 62-19-9 clarifies the permissive and required duties of the commission.

Section 62-19-21 aligns commission rulemaking procedures with the State Rules Act.

HB 70 also seeks to create a new section which would delineate the required and allowable duties and responsibilities of the agency’s chief of staff.

House Judiciary Committee Substitute

The Substitute bill removes the proposed changes to 62-19-9(C) in the original legislation reverting it to status quo.

The Substitute bill adds language to ensure that the proceedings that the hearing examiners preside over and the recommendations they make are only based on the record and are free from improper internal or external influence. The Substitute also changes the proposed modification of making a recommended decision permissive to mandatory.

In Section 12, the Substitute removes the location of the proposed requirement that a commissioner or hearing examiner who receives or makes a *ex parte* communication to notify all other parties of the substance of the communication with an opportunity to respond, reverting it to status quo.

In the same section, the substitute clarifies that the commissioners comply with the Open Meetings Act when consulting one another.

In Section 14, the substitute removes the PRC’s ability to “employ such personnel as are necessary to study, testify and serve as advocacy staff with respect to the interests of the residential and small business ratepayer classes in the commission’s regulation...”

FISCAL IMPLICATIONS

The revenue from the utility oversight and inspection fees which are currently collected will be credited to the newly created Utility Oversight Fund, ensuring the PRC has the financial resources to support the agency’s operating budget and its growing regulatory activities.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.