

LFC Requester:

Julisa Rodriguez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: January 29, 2025

Check all that apply:

Bill Number: SB 156

Original Correction
Amendment Substitute

Sponsor: Sen. Liz Stefanics, Rep. Kristina Ortez, Sen. Peter Wirth, Rep. Andrea Romero

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: LOW-INCOME UTILITY USERS

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

SB 156 proposes amendments to Sections 62-3-3 and 62-13-13 of the Public Utilities Act.

Section 1 reorganizes the existing definitions in 62-3-3 NMSA so they are in alphabetical order and makes non-substantive changes to the definitions of “public utility” and “rate.”

Section 1 also adds the following definition to 62-3-3 NMSA:

H. "low-income customer" means a residential customer of an electric public utility with an annual household income at or below eighty percent of the county area median income, as published by the United States department of housing and urban development;

Section 2 proposes the following change to 62-13-13.2(D) NMSA:

D. As used in this section:

(3) "new interconnected customer" means a customer that became an interconnected customer after December 31, 2010 or a customer whose renewable energy certificate purchase agreement entered into prior to January 1, 2011 is no longer in effect, but does not include a low-income customer."

Section 3 proposes adding a new section to the Public Utility Act providing instructions for the qualification of low-income customers and requiring that electric public utilities “shall notify its customers of the requirements to qualify as a low-income customer and instructions on how to submit any required documentation.”

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

Conflicts with SB 109 – see CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP, below.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The definition of “Commission” as used in **Section 1** (amending 62-3-3 NMSA) conflicts with the proposed amendments in SB 109. SB 109 proposes changing the definition of “Commission” in 62-19-2 NMSA to mean “the public regulation commission, **which is the three-member-appointed regulatory and adjudicatory body.**” (emphasis added) This bill, SB 156, proposes keeping the existing definition of “Commission,” in 62-3-3 NMSA, meaning “the public regulation commission.” SB 109 may result in conflicting definitions of “Commission” between the Public Utilities Act and the Public Regulation Commission Act.

The proposed definition of “low-income customer” is slightly different than the definition used in 62-8-12 NMSA, which is a subsection of the Public Utilities Act and relates to applications to expand transportation electrification. 62-8-12(E) defines low income, specifically for the purposes of that section, as “annual household adjusted gross income, as defined in the Income Tax Act [Chapter 7, Article 2 NMSA 1978], of equal to or less than two hundred percent of the federal poverty level.”

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

SB 156 proposes a different definition of “low income” or different qualifying factors than the ones used in the following existing statutes and rules. These are not conflicts, as these are not subsections of the Public Utilities Act, but they are related statutes and rules.

Provides different definition of “low income” than:

62-17A-2 NMSA, Community Energy Efficiency Development Block Grant Act, which defines a low-income person as “an individual, couple or family whose annual household adjusted gross income, as defined in Section 62 of the federal Internal Revenue Code of 1986, as that section may be amended or renumbered, does not exceed two hundred percent of the federal poverty level.”

62-16B-2 NMSA, Community Solar, which defines low-income customer as “a residential customer of a qualifying utility with an annual household income at or below eighty percent of area median income, as published by the United States department of housing and urban development, or that is enrolled in a low income program facilitated by the state or a low income energy program led by the qualifying utility or as determined by the commission.”

17.7.2.7 NMAC, Energy Efficiency Programs, which defines low-income customer as “a customer with an annual household income at or below two hundred percent of the

federal poverty level, as published annually by the United States department of health and human services.”

Provides different qualifying factors for “low income” than

17.9.573.15 NMAC, Community Solar Special Subscribers Provisions, which states that for the purposes of Community Solar low-income customers can be qualified based on an enumerated list, which is more limited than the qualifiers proposed in SB156.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

None.