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FISCAL IMPACT REPORT

SPONSOR Maestas LAST UPDATED _____
ORIGINAL DATE 2/18/2025
BILL
SHORT TITLE Distributed Generation Written Statement NUMBER Senate Bill 233
ANALYST Rodriguez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 13

Sources of Information

LFC Files

Agency Analysis Received From
Public Regulation Commission (PRC)
New Mexico office of the Attorney General (NMAG)

SUMMARY

Synopsis of Senate Bill 233

Senate Bill 233 (SB233) amends the Distributed Generation Disclosure Act (Article 31-3 NMSA 1978) and specifies that failure to provide the necessary written statement constitutes a violation to the Unfair Practices Act.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

SB233 contains no appropriation and has no known fiscal impact to the state.

SIGNIFICANT ISSUES

The Distributed Generation Disclosure Act was enacted in 2017 and provides for minimum disclosure requirements related to the selling or marketing for the financing, sale, or lease of a distributed energy generation system. SB233 adds language specifying that failure to provide written statement as required by the act constitutes an unfair or deceptive trade practice pursuant to the Unfair Practices Act.

The Unfair Practices Act protects consumers from unfair and deceptive business practices which may deceive or mislead a person. The Attorney General of New Mexico is responsible for enforcing the Unfair Trade Practices Act. Violations of the act can result in an injunction by the court to recover actual damages or the sum of \$100, whichever is greater, or up to three times actual damages or \$300 if it finds that the violation was willful. Additionally, the New Mexico Attorney General can recover a civil penalty not exceeding \$5,000 per violation. Under SB233, failure to provide the required written statement would violate the Unfair Practices Act and, therefore, eligible for the ramifications of the act.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB233 relates to HB13, which requires electric public utilities to develop and file detailed distribution system plans and beneficial electrification plans with the Public Regulation Commission (PRC). The proposed distribution system plans would allow utilities to proactively plan, engineer, and upgrade their electrical distribution system to ensure customers can connect without delays and meet decarbonization standards.

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