

LFC Requester:	Charlene Cerny
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>Jan. 23, 2015</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>HB 27</u>

Sponsor:	<u>Rep. Brian F. Egolf, Jr.</u>	Agency Code:	<u>Attorney General's Office - 305</u>
Short Title:	<u>Employment of Former PRC Employees</u>	Person Writing	<u>Joseph Dworak</u>
		Phone:	<u>827-6986</u>
		Email	<u>jdworak@nmag.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	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 Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis: House Bill 27 proposes to amend the Public Regulation Commission Act, Section 19 – Prohibited acts; candidates; commissioners and employees (NMSA 1978, § 8-8-19).

HB 27 would expand current restrictions on employment of former PRC commissioners and employees in two ways:

- 1) The current two (2) year restriction on subsequent employment by a regulated entity applied to former commissioners is expanded to include the same prohibition for PRC hearing examiners, PRC utility division directors, PRC general counsel, and PRC attorney employees.
- 2) The two (2) year restriction, currently only applicable specifically to employment positions that would require appearances before the commission, is amended to prohibit any form of employment with a regulated entity, affiliated interest, or intervenor within two (2) years of separation from the PRC.

HB 27 also includes several minor, non-substantive changes to Section 19, which provide consistency for the statute’s language and citation references.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

- 1) Language in HB 27 Subsection 8-8-19(D)(2) should be clarified. The middle of the clause contemplates pecuniary interest of a regulated entity for both commissioners and employees. However, proposed language states that “the commissioner or employee shall divest [~~himself of~~] that interest or recuse [~~himself~~] the commissioner’s self from the proceeding ...” The language, as proposed, would only give an employee one option – to divest from any pecuniary interest in question – but allow for a commissioner to either divest or simply choose to be recused from the proceeding. It is unclear whether this is the intent or if there is a desire to allow for an employee to be recused from a specific proceeding without having to divest their interest of the entity in question.

A possible change might be “. . . or recuse [~~himself~~] the commissioner’s or the employee’s self from the proceeding” However, some thought should be given to whether the option to recuse is available only to commissioners, all employees, or certain employees (ie. Hearing examiners, etc.).

- 2) There is no distinction between “leaving” and “separation,” and a consistent term should be applied to Subsection 8-8-19(E). A suggested change would be: “E. After [~~leaving~~] separation from the commission:”

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A