



The Legislature
of the
State of New Mexico

49th Legislature, 2nd Session

LAWS 2010

CHAPTER 100

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR

HOUSE BILL 269, with emergency clause

Introduced by



CHAPTER 100

AN ACT

1
2 RELATING TO UTILITIES; PROVIDING FOR VALIDITY OF EXISTING
3 FRANCHISE AGREEMENTS BY MUNICIPALITIES AND COUNTIES WITH
4 PUBLIC UTILITIES IN EFFECT AS OF JANUARY 1, 2010; DECLARING AN
5 EMERGENCY.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 Section 1. A new section of Chapter 5 NMSA 1978 is
9 enacted to read:

10 "VALIDITY OF CURRENT FRANCHISE AND RIGHT-OF-WAY
11 AGREEMENTS.--Municipal and county franchise and other
12 agreements with public utilities, as "public utility" is
13 defined by Subsection G of Section 62-3-3 NMSA 1978, providing
14 access to public rights of way that are in effect as of
15 January 1, 2010, are valid and enforceable agreements,
16 including those that provide for a payment of fees by the
17 public utility expressed as a percentage of the public
18 utility's revenues or otherwise and including expired
19 agreements that have continued to be honored by both the
20 public utility and the local government according to their
21 terms, regardless of the expiration date of the agreements, if
22 both the public utility and the local government continue to
23 abide by the terms of the expired agreement."

24 Section 2. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect

1 immediately.

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