

AN ACT

RELATING TO ELECTRIC UTILITIES; PROVIDING FOR LIMITED AUTHORITY TO EXERCISE THE POWER OF EMINENT DOMAIN FOR CERTAIN REASONS BY PUBLIC ELECTRIC UTILITIES; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

Section 1. LIMITED POWER OF EMINENT DOMAIN

CONDEMNATION BY PUBLIC ELECTRIC UTILITY.--

A. To the extent necessary or appropriate to implement a plan or any provision of a plan for transition to retail competition pursuant to the Electric Utility Industry Restructuring Act of 1999, a public electric utility is granted the authority to condemn any covenant or other provision of any lease or any other contract, agreement, instrument or document comprising part of the related transactions of which any lease is part, to which the public electric utility is a party or by which it or property leased by it is or may be bound, if such covenant or provision may otherwise impair or impede the orderly separation of supply and energy-related services from transmission and distribution services at reasonable cost.

B. A public electric utility may use the condemnation authority granted by this section only with the express approval of the public regulation commission. The commission shall act upon a request to use such condemnation authority within thirty days. In exercising the authority

granted in this section, the public electric utility shall proceed pursuant to the applicable provisions of the Eminent Domain Code.

Section 2. Section 62-8-10 NMSA (being Laws 1977, Chapter 175, Section 1, as amended) is repealed and a new Section 62-8-10 NMSA 1978 is enacted to read:

"62-8-10. UTILITY SERVICE--SERIOUSLY ILL INDIVIDUALS.--Utility service shall not be discontinued to any residence where a seriously or chronically ill person is residing if the person responsible for the utility service charges does not have the financial resources to pay the charges and if a licensed physician, physician assistant, osteopathic physician, osteopathic physician's assistant or certified nurse practitioner certifies that discontinuance of service might endanger that person's health or life and the certificate is delivered to a manager or officer of the provider of the utility service at least two days prior to the due date of a billing for service. The commission shall provide by rule the procedure necessary to carry out this section."

Section 3. Laws 1998, Chapter 108, Section 82 is amended to read:

"Section 82. DELAYED REPEAL.--The following are repealed effective July 1, 2003:

- A. the Public Utility Act, except for Section 62-8-10 NMSA 1978;
- B. Chapter 63, Article 7 NMSA 1978;
- C. the Telephone and Telegraph Company

Certification Act;

D. the New Mexico Telecommunications Act; and

E. the Cellular Telephone Services Act."

Section 4. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect
immediately. _____