

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 269

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

AN ACT

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

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

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

"[NEW MATERIAL] VALIDITY OF CURRENT FRANCHISE AND RIGHT-
OF-WAY AGREEMENTS.--Municipal and county franchise and other
agreements with public utilities, as "public utility" is
defined by Subsection G of Section 62-3-3 NMSA 1978, providing
access to public rights of way that are in effect as of January
1, 2010, are valid and enforceable agreements, including those
that provide for a payment of fees by the public utility

.181768.1

underscored material = new
[bracketed material] = delete

1 expressed as a percentage of the public utility's revenues or
2 otherwise and including expired agreements that have continued
3 to be honored by both the public utility and the local
4 government according to their terms, regardless of the
5 expiration date of the agreements, if both the public utility
6 and the local government continue to abide by the terms of the
7 expired agreement."

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