

HOUSE BILL 431

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO LOCAL GOVERNMENTS; RESTRICTING LOCAL GOVERNMENTS'
AUTHORITY TO IMPOSE UTILITY SERVICE RESTRICTIONS.

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

SECTION 1. [NEW MATERIAL] PREEMPTION OVER UTILITY SERVICE
RESTRICTIONS.--

A. A county, municipality, special district or
other political subdivision of the state shall not enact or
enforce a resolution, ordinance, rule, code or policy or take
any action that restricts or prohibits or has the effect of
restricting or prohibiting the types or fuel sources of energy
production that may be used, delivered, converted or supplied
by the following entities to serve customers that such entities
are authorized to serve:

(1) a public utility or an electric utility;

.225053.1

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1 (2) an entity that generates, sells or
2 transmits electrical energy;

3 (3) a natural gas utility;

4 (4) a natural gas transmission company; or

5 (5) a liquefied petroleum gas dealer,
6 dispenser or cylinder exchange operator.

7 B. This section shall not prevent a governmental
8 entity that owns or operates and directly controls an electric
9 or natural gas utility from passing rules, regulations or
10 policies governing the utility.

11 C. This section does not expand or alter the
12 jurisdiction of the public regulation commission over public
13 utilities or electric utilities.

14 D. Any resolution, ordinance, rule, code or policy
15 or other action by a county, municipality, special district or
16 other political subdivision of the state that is preempted by
17 this act that existed before or on July 1, 2023 is void.

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2023.