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HOUSE BILL 793

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO UTILITIES; EXTENDING THE GEOGRAPHIC BOUNDARY FOR A
NATURAL GAS OR GEOTHERMAL UTILITY.

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

Section 1. Section 3-25-3 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-24-3, as amended) is amended to read:

"3-25-3. NATURAL GAS OR GEOTHERMAL UTILITY--EXTENT OF
FACILITIES--DISTRIBUTION TO CONSUMERS BEYOND THE MUNICIPAL
BOUNDARY--WITHIN THE BOUNDARY OF ANOTHER MUNICIPALITY--APPROVAL
OF OTHER MUNICIPALITY AND [NEW-MEXICO] PUBLIC [UTILITY]
REGULATION COMMISSION. --

A. The natural gas or geothermal utility may
include but is not limited to:

(1) in the municipality and within [fifty] one
hundred miles of the municipal boundary, facilities appropriate

underscored material = new
[bracketed material] = delete

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1 to the transportation, pumping, storage or purification of
2 natural gas or geothermal waters; and

3 (2) in the municipality and within five miles
4 of the municipal boundary, facilities for the distribution of
5 natural gas or geothermal heat.

6 The natural gas or geothermal utility shall include any
7 land or real estate needed for the location of [~~any such~~] the
8 facilities.

9 B. [~~No~~] A municipality shall not acquire and
10 operate natural gas or geothermal distribution facilities in
11 whole or in part within the boundary of another municipality,
12 as then existing, until the:

13 (1) [~~New Mexico~~] public [~~utility~~] regulation
14 commission issues an order authorizing the acquisition and
15 operation of the natural gas or geothermal distribution
16 facilities; and

17 (2) other municipality authorizes, by
18 ordinance, the acquisition and operation of the natural gas or
19 geothermal distribution facilities.

20 C. No formal franchise need be granted by the other
21 municipality, and the ordinance granting the consent of the
22 other municipality:

23 (1) shall be sufficient;

24 (2) may be adopted on a single reading;

25 (3) may become immediately effective;

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(4) shall not be subject to a referendum; and
(5) shall be valid for such period of years as
may be specified in the ordinance. "

Section 2. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2003.