

1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 904

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12 46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

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AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
EXTENDING THE GEOGRAPHIC BOUNDARY FOR A NATURAL GAS OR
GEOHERMAL 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 GEOHERMAL 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

1 hundred miles of the ~~municipal~~ boundary, facilities appropriate
2 to the transportation, pumping, storage or purification of
3 natural gas or geothermal waters; and

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

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

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

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

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

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

24 (1) shall be sufficient;

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

- 1 (3) may become immediately effective;
- 2 (4) shall not be subject to a referendum; and
- 3 (5) shall be valid for such period of years as
- 4 may be specified in the ordinance. "

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

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underscoring material = new
[bracketed material] = delete