

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:

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

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

immediately.