

SENATE FINANCE COMMITTEE SUBSTITUTE FOR

SENATE BILL 456

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
AMENDING SECTION 62-9-1 NMSA 1978 (BEING LAWS 1941, CHAPTER
84, SECTION 46, AS AMENDED) TO CLARIFY THE STATUS OF CERTAIN
UTILITIES.

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

Section 1. Section 62-9-1 NMSA 1978 (being Laws 1941,
Chapter 84, Section 46, as amended) is amended to read:

"62-9-1. NEW CONSTRUCTION.--

A. No public utility shall [~~after the effective
date of this 1941 act~~] begin the construction or operation of
any public utility plant or system or of any extension of any
plant or system without first obtaining from the commission a
certificate that public convenience and necessity require or
will require such construction or operation. This section
[~~shall~~] does not [~~be construed to~~] require [~~any such~~] a

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underscored material = new
~~[bracketed material] = delete~~

1 public utility to secure a certificate for an extension
2 within any municipality or district within which it lawfully
3 commenced operations before [~~the effective date of this 1941~~
4 ~~act~~] June 13, 1941 or for an extension within or to territory
5 already served by it, necessary in the ordinary course of its
6 business, or for an extension into territory contiguous to
7 that already occupied by it and that is not receiving similar
8 service from another utility. [~~Notwithstanding any other~~
9 ~~provision of the Public Utility Act, as amended, or any~~
10 ~~privilege granted under that act~~] If any public utility or
11 mutual domestic water consumer association in constructing or
12 extending its line, plant or system unreasonably interferes
13 or is about to unreasonably interfere with the service or
14 system of any other public utility or mutual domestic water
15 consumer association rendering the same type of service, the
16 commission, on complaint of the public utility or mutual
17 domestic water consumer association claiming to be
18 injuriously affected, may, upon and pursuant to the
19 applicable procedure provided in Chapter 62, Article 10 NMSA
20 1978, and after giving due regard to public convenience and
21 necessity, including
22 [~~but not limited to~~] reasonable service agreements between
23 the utilities, make [~~such~~] an order and prescribe [~~such~~] just
24 and reasonable terms and conditions in harmony with the
25 Public Utility Act [~~as are just and reasonable so as~~] to
provide for the construction, development and extension,
without unnecessary duplication and economic waste.

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1 B. As used in this section, "mutual domestic water
2 consumer association" means an association created and
3 organized pursuant to the provisions of:

4 (1) Laws 1947, Chapter 206; Laws 1949,
5 Chapter 79; or Laws 1951, Chapter 52; or

6 (2) the Sanitary Projects Act."

underscored material = new
~~[bracketed material] = delete~~