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SENATE BILL 717

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Cynthia L. Nava

DISCUSSION DRAFT

AN ACT

RELATING TO MUNICIPAL FRANCHISES; ALLOWING MUNICIPALITIES TO
FRANCHISE AND REGULATE SOLID WASTE LANDFILLS WITHIN THEIR
BORDERS.

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

Section 1. Section 3-42-1 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-43-1) is amended to read:

"3-42-1. FRANCHISES-- AUTHORIZATION. --

A. A municipality may grant by ordinance a
franchise to any person, firm or corporation for the
construction and operation of any public utility.

B. A municipality may grant by ordinance a
franchise for a solid waste landfill located within the
exterior boundaries of the municipality as a condition of
operation of the landfill, may charge a reasonable fee for the

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1 continued operation of the landfill and may impose conditions
2 on the continued operation of the landfill as necessary for
3 public health and safety.

4 [B-] C. No franchise ordinance shall become
5 effective until at least thirty days after its adoption,
6 during which time the franchise ordinance shall be twice
7 published in full, not less than seven days apart.

8 [C-] D. If during the thirty-day period a
9 petition, signed by bona fide adult residents of the
10 municipality equal in number to twenty percent of the number
11 of those who voted at the last regular municipal election, and
12 objection to the granting of the franchise is presented to the
13 governing body of the municipality, the governing body of the
14 municipality shall submit the question of granting the
15 franchise to a vote of the qualified electors at a regular or
16 special municipal election. If the date for the next regular
17 municipal election is not more than ninety days after the date
18 the petition is filed, the question shall be submitted at the
19 regular municipal election; otherwise, a special municipal
20 election shall be held.

21 [D-] E. If a majority of the qualified electors
22 voting on the question [favor] favours the granting of a
23 franchise, the franchise ordinance becomes effective. If a
24 majority of the qualified electors voting on the question [do]
25 does not favor granting the franchise, the ordinance is

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1 repealed and the applicant for the franchise acquires no
2 rights or privileges.

3 ~~[E-]~~ F. The expense of publishing the franchise
4 ordinance and of holding a special election shall be paid by
5 the applicant for the franchise.

6 ~~[F-]~~ G. No franchise ordinance shall be in effect
7 for more than twenty-five years. The municipality may
8 contract with the public utility for such services as are
9 necessary for the health and safety of the municipality and
10 may pay a sum agreed upon by the contracting parties for such
11 services. "