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HOUSE BILL 600

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

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AN ACT

RELATING TO TELECOMMUNICATIONS; PROVIDING CERTAIN SETTLEMENT
RESTRICTIONS IF CERTAIN ORDERS OF THE PUBLIC REGULATION
COMMISSION ARE APPEALED; MAKING AN APPROPRIATION; DECLARING AN
EMERGENCY.

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

Section 1. A new section of the New Mexico
Telecommunications Act is enacted to read:

"[NEW MATERIAL] SETTLEMENT OF AN APPEALED ORDER--
RESTRICTIONS--TELECOMMUNICATIONS SETTLEMENT FUND.--

A. If, in a final order of the commission, the
commission mandates the payment of a fine, the payment of
refunds or credits to customers, the construction of specific
infrastructure or the construction of a specific monetary
amount of infrastructure, upon the filing of a notice of appeal

.161080.1

underscored material = new
[bracketed material] = delete

underscoring material = new
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1 with the supreme court by a telecommunications company for a
2 review of the order, the commission shall not compromise the
3 matter or settle the dispute prior to a final decision by the
4 supreme court unless:

5 (1) the telecommunications company agrees to
6 comply fully with the original order; or

7 (2) the telecommunications company and the
8 commission agree to a monetary payment by the
9 telecommunications company and either:

10 (a) pursuant to an equitable
11 distribution procedure adopted by rule of the commission, the
12 entire amount is refunded or credited to customers of the
13 telecommunications company; or

14 (b) the amount is deposited into the
15 telecommunications settlement fund for appropriation by the
16 legislature to benefit customers of the telecommunications
17 company.

18 B. The "telecommunications settlement fund" is
19 created in the state treasury. The fund shall consist of
20 deposits of payments made by telecommunications companies
21 pursuant to Subparagraph (b) of Paragraph (2) of Subsection A
22 of this section. Income from the fund shall be credited to the
23 fund, and money in the fund shall not revert or be transferred
24 to any other fund at the end of a fiscal year. Money in the
25 fund is subject to appropriation by the legislature to benefit

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underscoring material = new
[bracketed material] = delete

1 customers of the payor telecommunications company. Upon a
2 deposit into the fund, the commission shall recommend a plan to
3 the next regular session of the legislature in which
4 appropriations from the fund will benefit the customers.
5 Expenditures from the fund shall be made on warrant of the
6 secretary of finance and administration on vouchers signed by
7 the chair of the commission."

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