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HOUSE BILL 405

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

JAMES G. TAYLOR

AN ACT

**RELATING TO COUNTIES; PERMITTING COUNTY RESIDENTS TO OPT OUT
OF PUBLIC SERVICES; DECLARING AN EMERGENCY.**

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

**Section 1. PUBLIC SERVICES-- COUNTY RESIDENTS-- OPT- OUT
PROVISION. --**

**A. A resident of the unincorporated area of a
county may notify the office of the county manager of the
county in which the resident resides that he chooses to opt
out of a public service provided by the county.**

**B. A county shall not provide or shall discontinue
at the end of the next billing cycle a public service to a
county resident upon notification by the resident that he
chooses to exercise his option not to receive that public
service.**

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C. The county shall not charge a county resident a fee for a public service if the resident has notified the county that he chooses not to receive that public service. The county may charge fees for any public service that was provided to the resident prior to receipt of notice of the resident's option to discontinue the public service.

D. As used in this section, "public service" means the curbside or home collection of solid waste.

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