

1 HOUSE BILL 198

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Sandra D. Jeff

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7 FOR THE ECONOMIC AND RURAL DEVELOPMENT COMMITTEE AND THE
8 SCIENCE, TECHNOLOGY AND TELECOMMUNICATIONS COMMITTEE

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10 AN ACT

11 RELATING TO TELECOMMUNICATIONS; AMENDING THE UTILITY AND
12 CARRIER INSPECTION FEE.

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

15 SECTION 1. Section 63-7-20 NMSA 1978 (being Laws 1951,
16 Chapter 194, Section 1, as amended) is amended to read:

17 "63-7-20. UTILITY AND CARRIER INSPECTION--FEE.--

18 A. Each utility and carrier doing business in this
19 state [~~which~~] that is subject to the [~~control and~~] jurisdiction
20 of the commission [~~by virtue of the provisions of Article 11 of~~
21 ~~the constitution of New Mexico with respect to its rates and~~
22 ~~service~~] shall pay annually to the commission a fee in
23 performance of its duties as now provided by law. The fee for
24 carriers shall not exceed two hundred fifty-six thousandths
25 percent of its gross receipts from business transacted in New

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1 Mexico for the preceding calendar year. The fee for utilities
2 shall not exceed five hundred eleven thousandths percent of its
3 gross receipts from business transacted in New Mexico for the
4 preceding calendar year. This sum shall be payable annually on
5 or before April 1 in each year. No similar fee shall be
6 imposed upon the utility or carrier. In the case of utilities
7 or carriers engaged in interstate business, the fees shall be
8 measured by the gross receipts of the utilities or carriers
9 from intrastate business only for the preceding calendar year
10 and not in any respect upon receipts derived wholly or in part
11 from interstate business. As used in this section, "utility"
12 includes [~~telephone companies and transmission companies~~]
13 telecommunications providers, including any telephone company,
14 telecommunications transmission company, commercial mobile
15 radio services company, other provider of comparable
16 alternative services or pay telephone provider regulated in
17 whole or in part by the commission under law, but "utility"
18 does not include public utilities subject to the Public Utility
19 Act.

20 B. When a fee is not paid on the date it is due,
21 interest shall be paid to the state on the amount due. The
22 interest on the amount due shall start to accrue on the day
23 following the due date and shall continue to accrue until the
24 total amount due is paid. The rate of interest on a late fee
25 payment shall be fifteen percent per year, computed at the rate

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of one and one-fourth percent per month.

C. In addition to any interest due on a late fee payment, a penalty shall be paid to the state for failure to pay the fee when it is due. The penalty imposed shall be two percent of the amount of the fee due.

D. The attorney general, in the name of the state, shall bring suit to collect fees, interest and penalties that remain unpaid."