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SENATE BILL 196

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

INTRODUCED BY

Phillip A. Griego

AN ACT

RELATING TO ELECTRIC UTILITIES; PROVIDING FOR LIMITED
AUTHORITY TO EXERCISE THE POWER OF EMINENT DOMAIN FOR CERTAIN
REASONS BY PUBLIC ELECTRIC UTILITIES; DECLARING AN EMERGENCY.

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

Section 1. LIMITED POWER OF EMINENT DOMAIN CONDEMNATION
BY PUBLIC ELECTRIC UTILITY.--

A. To the extent necessary or appropriate to
implement a plan or any provision of a plan for transition to
retail competition pursuant to the Electric Utility Industry
Restructuring Act of 1999, a public electric utility is
granted the authority to condemn any covenant or other
provision of any lease, mortgage, deed of trust, trust
indenture, assignment of rents, security agreement,
participation or other similar agreement, contract, deed or
easement to which the public electric utility is a party or

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1 by which it or property leased by it is or may be bound, if
2 such covenant or provision may otherwise impair or impede the
3 orderly separation of supply and energy-related services from
4 transmission and distribution services at reasonable cost.

5 B. A public electric utility may use the
6 condemnation authority granted by this section only with the
7 express approval of the public regulation commission. The
8 commission shall act upon a request to use such condemnation
9 authority within thirty days. In exercising the authority
10 granted in this section, the public electric utility shall
11 proceed pursuant to the applicable provisions of the Eminent
12 Domain Code.

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