

SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE
FOR SENATE BILL 475

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING THE POWER OF EMINENT DOMAIN OVER STATE PROPERTY;
AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 42A-2-1 NMSA 1978 (being Laws 1981,
Chapter 125, Section 29) is amended to read:

"42A-2-1. RAILROAD, TELEPHONE OR TELEGRAPH COMPANY.--
Any foreign or domestic railroad, telephone or telegraph
company ~~[which]~~ that is duly qualified and doing business in
New Mexico shall have the power of eminent domain for
acquiring property, including property belonging to the
state, for public use for the purpose of constructing lines,
microwave systems and structures and other communication or
transportation structures and other facilities necessary for
the operation ~~[for]~~ of such transportation or communication

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1 system for such entity according to the procedure for
2 condemnation as provided in the Eminent Domain Code."

3 Section 2. Section 42A-2-3 NMSA 1978 (being Laws 1981,
4 Chapter 125, Section 31) is amended to read:

5 "42A-2-3. PROPERTY OF PUBLIC UTILITIES.--

6 A. If the property to be condemned is held by any
7 public utility corporation, the right to condemn such
8 property by a railroad, telephone or telegraph company is
9 limited to such use as shall not materially interfere with
10 the uses to which by law the public utility corporation
11 holding the property is authorized to use it.

12 B. Where no agreement can be made between the
13 parties, the method of assessing the damages [~~to private~~
14 ~~persons~~] as provided pursuant to the provisions of the
15 Eminent Domain Code shall be used."

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