FORTY-EIGHTH LEGISLATURE
FIRST SESSION, 2007

February 21, 2007

Mr. Speaker:

   Your **JUDICIARY COMMITTEE,** to whom has been referred

HOUSE BILL 393

has had it under consideration and reports same with
recommendation that it **DO PASS,** amended as follows:

   1. On page 1, line 13, before "REMOVING" insert "ADDRESSING
THE EMINENT DOMAIN POWER OF MUNICIPALITIES;".

   2. On page 1, between lines 17 and 18, insert a new section
to read:

   "Section 1. Section 3-18-10 NMSA 1978 (being Laws 1973,
Chapter 395, Section 1) is amended to read:

   "3-18-10. POWER OF EMINENT DOMAIN--PURPOSES--PROCEEDINGS.--

        A. Both within the municipal boundary and for a distance
not extending beyond the planning and platting jurisdiction of the
municipal boundary, a municipality has the power and right of
condemnation of private property for public use for the purpose of:

        (1) laying out, opening and widening streets,
alleys and highways or their approaches; or

        (2) constructing, maintaining and operating:

            (a) storm drains; or

            (b) garbage and refuse disposal areas and
plants.
        B. A municipality may acquire by eminent domain any
property within the municipality:

        (1) for park purposes [C. A municipality may
acquire by eminent domain any property within the municipality];

        (2) to establish cemeteries or mausoleums or [both
or combinations thereof and may also] to acquire [by eminent domain
any] existing cemeteries or mausoleums [or both or combinations
thereof]; or

        (3) for the purpose of correcting obsolete or
impractical planning and platting of subdivisions. For the purpose
of this paragraph, "obsolete or impractical planning and platting"
applies only to property that:

                (a) was platted prior to 1975;

                (b) has remained vacant and unimproved; and

                (c) threatens the health, safety and welfare
of persons or property due to erosion, uncontrolled flooding, lack
of planned or existing roads or topography that is unsuitable for
the building of safe structures.

        [D. Proceedings to obtain such condemnation]

        C. Condemnation proceedings pursuant to this section
shall be in the manner provided by law."".

    3. Renumber the succeeding sections accordingly.

The vote on Amendments No.1 through 3 was 9 For 2 Against
Yes: 9
No: Maestas, Zanetti
Excused: Martinez, Stewart
Absent: None

                        Respectfully submitted,

                        _____
                        Al Park, Chairman

Adopted _____   Not Adopted _____
        (Chief Clerk)   (Chief Clerk)

            Date _____

The roll call vote was ll For 0 Against
Yes: ll
No: 0
Excused: Martinez, Stewart
Absent: None

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