

**FORTY-EIGHTH LEGISLATURE
FIRST SESSION, 2007**

March 12, 2007

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred
SENATE BILL 401

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

1. On page 1, line 11, after the semicolon 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

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(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.

Respectfully submitted,

Al Park, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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The roll call vote was 9 For 1 Against
Yes: 9
No: Chasey
Excused: Martinez, Rehm, Zanetti
Absent: None

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