

FIFTY-FOURTH LEGISLATURE  
FIRST SESSION, 2019

SB 376/a

February 19, 2019

Mr. President:

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

**SENATE BILL 376**

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

1. On page 1, line 14, after the semicolon, strike the remainder of the line, strike line 15 in its entirety and insert in lieu thereof "PROVIDING AN EXCEPTION FOR RURAL ELECTRIC COOPERATIVES."

2. On page 2, lines 23 through 25, remove the bracket and line-through.

3. On page 2, line 23, after "parties", strike the remainder of the line and insert in lieu thereof "; provided that if the applicant for the right of way is a rural electric cooperative, the cooperative".

4. On page 2, line 24, strike "New Mexico public utility".

5. On page 3, lines 1 and 2, remove the line-through and bracket.

6. On page 3, strike Section 2 in its entirety and insert in lieu thereof the following new section:

"SECTION 2. Section 62-9-3.2 NMSA 1978 (being Laws 1980, Chapter 20, Section 18, as amended) is amended to read:

"62-9-3.2. APPLICATION FOR DETERMINATION OF RIGHT-OF-WAY WIDTH BY RURAL ELECTRIC COOPERATIVES.--

A. Unless otherwise agreed to by the parties [~~no person~~] pursuant to Section 62-1-4 NMSA 1978, a rural electric cooperative shall not begin the construction of any transmission line requiring a width for right of way of greater than one hundred feet without

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first obtaining from the commission a determination of the necessary ~~[right-of-way]~~ right of way width to construct and maintain the transmission line. For the purposes of this subsection, "construction" does not include acquisition of rights of way, preparation of surveys or ordering of equipment.

~~[B. For the purposes of this section, "transmission line" means any electric transmission line and associated facilities requiring a width for right of way of greater than one hundred feet.~~

~~G.]~~ B. Application for the ~~[right-of-way]~~ right of way width determination shall contain all information required by the commission to make its determination, be made in writing, setting forth the facts involved and be filed with the commission.

~~[D.]~~ C. The applicant shall cause notice of the time and place of hearing on the application for the ~~[right-of-way]~~ right of way determination to be given to any owner of property proposed to be taken and, if applicable, to the person in actual occupancy of the property. Notice shall be given by mailing a copy by ordinary first class mail at least twenty days before the time set for hearing. Proof of the giving of notice shall be made on or before the hearing and filed in the proceeding.

~~[E.]~~ D. The commission shall, after public hearing, act upon the application.

~~[F.]~~ E. The commission shall issue its order granting or denying the application within six months from the date the application is filed with the commission. Failure to issue its order within six months is deemed to be approval of the application.

F. As used in this section:

(1) "rural electric cooperative" means a rural electric cooperative organized pursuant to the Rural Electric Cooperative Act; and

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(2) "transmission line" means any electric transmission line and associated facilities requiring a width for right of way of greater than one hundred feet.".,

and thence referred to the **CORPORATIONS AND TRANSPORTATION COMMITTEE.**

Respectfully submitted,

\_\_\_\_\_  
Joseph Cervantes, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 1 Against

Yes: 6

No: Cervantes

Excused: Martinez, Soules

Absent: None

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