# SENATE JOINT MEMORIAL 15

# 44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

## INTRODUCED BY

Sue F. Wilson

## A JOINT MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO DIRECT A STUDY OF THE AUTHORIZATION AND USE OF EMINENT DOMAIN BY PIPELINE COMPANIES.

WHEREAS, the natural resources, environment and vital areas of the state are of great importance to the state and its citizens: and

WHEREAS, the siting, construction and operation of petroleum and natural gas pipelines create significant impacts on land, including the destruction of property, buildings, agricultural products, forests, wetlands and wildlife habitat associated with the construction of these pipelines; and

WHEREAS, additionally, after the completion of construction of a pipeline there exist potential impacts on land and the associated resources from spill, leakage and . 125235. 1

1

2

3

4

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

other occurrences that create pollution of the ground water, air and land and sometimes destruction of the land and its associated resources: and

WHEREAS, state law currently provides that pipeline companies may exercise the power of eminent domain to acquire property for pipeline use, the law states only in very general terms the conditions under which that power may be exercised, and, unlike governmental entities, private pipeline companies are not subject to the political process or to public scrutiny in making decisions to condemn land;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the New Mexico legislative council assign to an appropriate existing interim committee, or in the alternative create a special interim committee, to study the issues involved in the exercise of eminent domain powers by pipeline companies and, if appropriate, make recommendations for changes in the laws to the second session of the forty-fourth legislature; and

BE IT FURTHER RESOLVED that a copy of this memorial be delivered to the New Mexico legislative council for consideration of its provisions at the council's first meeting following the adjournment of the first regular session of the forty-fourth legislature.

# 

# FORTY-FOURTH LEGISLATURE

FIRST SESSION, 1999

SJM 15/a

February 9, 1999

Mr. President:

Your CONSERVATION COMMITTEE, to whom has been referred

# SENATE JOINT MEMORIAL 15

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

- 1. On page 2, line 6, after "use," insert the word "and".
- 2. On page 2, line 7 after "exercised" insert a "semicolon".
  - 3. On page 2, strike lines "8, 9 and 10".,

and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

. 125235. 1

# underscored material = new [bracketed\_material] = delete

# FORTY-FOURTH LEGISLATURE FIRST SESSION. 1999

1	FIRST	SESSION, 1999	
2			
3	%%%		Page 4
4			
5			
6			
7		Arthur H. Rodarte, Vice-Chairman	
<b>8</b> 9			
10			
11	Adopted		
12	Adopted	_	
12 13	(Chi ef Cl erk)	(Chief Clerk)	
13			
15	Date		
16			
17	The roll call vote was <u>7</u> Fo	r <u>0</u> Against	
18	Yes: 7		
19	No: 0		
	Excused: Eisenstadt, Sanchez,	Macias	
20	Absent: None		
21			
22			
23			
24			
25	SJ015C01		
	. 125235. 1		