

**FORTY-EIGHTH LEGISLATURE
FIRST SESSION**

March 16, 2007

Madam President:

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

SENATE BILL 401, as amended

has had it under consideration and reports same with the following recommendation:

1. The following house judiciary committee amendments be APPROVED:

Nos. 1 and 3.

2. House Judiciary Committee Amendment No. 2 be DISAPPROVED and that the bill be amended further as follows:

3. 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

FORTY-EIGHTH LEGISLATURE
FIRST SESSION

CC/SB 401, aa

Page 2

(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 [~~G. 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 1971;

(b) has remained vacant and unimproved; and

(c) threatens the health, safety and welfare of persons or property due to erosion, flooding and inadequate drainage.

~~[D. Proceedings to obtain such condemnation]~~

C. Condemnation proceedings pursuant to this section

**FORTY-EIGHTH LEGISLATURE
FIRST SESSION**

CC/SB 401, aa

Page 3

shall be in the manner provided by law."".

Respectfully submitted,

Mary Jane M. Garcia

Mary Kay Papen

Steven P. Neville

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____