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FISCAL IMPACT REPORT

SPONSOR Griego DATE TYPED 3/3/05 HB _____

SHORT TITLE Utility Right-of-Way Width Requirements SB 235/aSCONC/aSCORC

ANALYST Rosen

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI		NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From
Public Regulation Commission (PRC)
Attorney General's Office (AGO)

No Responses Received From
Municipal League
Association of Counties

SUMMARY

Synopsis of SCORC Amendment

Senate Corporations and Transportation Committee amendment to Senate Bill 235, as amended, restores language related to the amount of land to which a public utility may have access for transmission lines or up to seven acres in any one place for a station as may be necessary for their purpose.

Synopsis of SCONC Amendment

Senate Conservation Committee amendment to Senate Bill 235 restores existing statutory language to the first sentence of NMSA § 62-1-4 regarding the amount of land to which a public utility may have access in order to construct and place various structures without applying to the Public Regulation Commission for a determination of the appropriate right-of-way width.

Significant Issues

AGO indicates the amendment makes the first sentence of § 62-1-4 consistent with the remainder of that section. Without the amendment, i.e., with the bill as originally drafted, there would be a statutory provision regarding public utilities' access rights to property not exceeding seven acres in any one place, but no provision regarding their access rights to strips of property not exceeding 100 feet wide, which is the amount of property relevant to the remainder of § 62-1-4.

Synopsis of Original Bill

Senate Bill 235 removes the existing requirement for public utilities to seek approval from PRC prior to exercising eminent domain powers in order to acquire land for "associated facilities" such as switching stations or substations. PRC approval is still required when transmission lines are involved.

This bill replaces the "100 feet in any one place" contained in Section 62-1-4, the eminent domain statute, with "seven acres in any one place" and removes "associated facilities" from that Section. It also removes "associated facilities" language from Section 62-9-3.2, the right-of-way width statute.

Significant Issues

PRC questions whether the upper limit of seven acres an appropriate limit for both urban and rural areas.

ALTERNATIVES

PRC suggest a lower upper limit than seven acres may be considered for urban areas.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

According to PRC, utility construction of substation or switching station facilities will continue to require additional regulatory approval from PRC.

JR/yr:lg