

**FORTY-EIGHTH LEGISLATURE  
FIRST SESSION**

March 14, 2007

Mr. Speaker:

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

**HOUSE BILL 393, as amended**

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

1. House Judiciary Committee Amendments 1 and 3 be APPROVED.
2. House Judiciary Committee Amendment 2 be DISAPPROVED.
3. Senate Public Affairs Committee Amendment 1 be DISAPPROVED.

and that the bill be amended further as follows:

4. 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

FORTY-EIGHTH LEGISLATURE  
FIRST SESSION

CC/HB 393, aa

Page 2

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 [~~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

**FORTY-EIGHTH LEGISLATURE  
FIRST SESSION**

CC/HB 393, aa

Page 3

of persons or property due to erosion, flooding and inadequate drainage.

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

C. Condemnation proceedings pursuant to this section shall be in the manner provided by law."

Respectfully submitted,

\_\_\_\_\_  
Peter Wirth

\_\_\_\_\_  
Richard J. Berry

\_\_\_\_\_  
Thomas E. Swisstack

Adopted \_\_\_\_\_  
(Chief Clerk)

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

Date \_\_\_\_\_