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FISCAL IMPACT REPORT

ORIGINAL DATE 1/29/07

SPONSOR Sanchez, M. LAST UPDATED _____ HB _____

SHORT TITLE Limiting the Power of Eminent Domain SB 469

ANALYST Propst

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the Attorney General (OAG)

SUMMARY

Synopsis of Bill

Senate Bill 469 would amend NMSA Section 3-18-10 to limit a municipality's exercise of its power of eminent domain to within its boundaries, deleting authorization to exercise that power within its "planning and platting jurisdiction".

SIGNIFICANT ISSUES

According to the Office of the Attorney General, current law allows a city, town or village to exercise its power of eminent domain within its boundaries and within its platting and planning jurisdiction which goes beyond those boundaries. NMSA Section 3-19-5 establishes that jurisdiction based upon population. Except for Albuquerque, that jurisdiction includes territory within three to five miles of actual boundaries. Current law contemplates allowing a city, town or village to expand its boundaries through the use of its power of eminent domain pursuant to its master plan. This bill would disallow use of that power beyond municipal boundaries.

WEP/nt