

1 SENATE BILL 458

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Timothy Z. Jennings

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10 AN ACT

11 RELATING TO EMINENT DOMAIN; PROVIDING THAT "PUBLIC USE"
12 INCLUDES A SIGNIFICANT BENEFIT TO THE STATE WHEN A UTILITY
13 EXERCISES THE POWER OF EMINENT DOMAIN.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 42A-2-1 NMSA 1978 (being Laws 1981,
17 Chapter 125, Section 29) is amended to read:

18 "42A-2-1. RAILROAD, TELEPHONE OR TELEGRAPH COMPANY.--Any
19 foreign or domestic railroad, telephone or telegraph company
20 [~~which~~] that is duly qualified and doing business in New Mexico
21 shall have the power of eminent domain for acquiring property
22 for public use for the purpose of constructing lines, microwave
23 systems and structures and other communication or
24 transportation structures and other facilities necessary for
25 the operation [~~for such~~] of the transportation or communication

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underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 system for ~~such~~ the entity according to the procedure for
2 condemnation as provided in the Eminent Domain Code. As used
3 in this section, "public use" includes the requirement that the
4 primary beneficiaries of the use are the state and its
5 residents."

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