

State of New Mexico  
Senate

FIFTY-FOURTH LEGISLATURE  
SECOND SESSION

February 18, 2020

SENATE FLOOR AMENDMENT number \_\_\_\_\_ to SENATE CORPORATIONS AND  
TRANSPORTATION COMMITTEE  
SUBSTITUTE FOR SENATE BILL  
246, as amended

Amendment sponsored by Senator Gregg Fulfer

1. Strike Senate Judiciary Committee Amendments 3 and 4.
2. On page 26, strike lines 18 through 21 in their entirety and insert in lieu thereof the following:

"(16) exercise the power of eminent domain as provided by law and subject to the limitations of Subsection B of this section and the requirements of Subsection C of this section.

B. A district board may exercise the power of eminent domain on property located in a district solely for purposes of carrying out the purposes of the Public Improvement District Act; provided that the district board's power of eminent domain shall not exceed the power of eminent domain held by the governing body.

C. If a district board determines to exercise the power of eminent domain on property within a district, the district board shall request the governing body to hold a hearing to determine whether the power of eminent domain should be exercised. The request shall identify the location of the property on which the power will be exercised and the reason the power should be exercised. Upon receipt of the request, the governing body shall promptly hold a hearing to determine whether the power of eminent domain should be exercised on the property identified in the request. If the governing body determines the power should be exercised, the governing body shall, by resolution, approve the exercise of the power of eminent domain on the identified property

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and transmit a certified copy of the resolution to the district board. Upon receipt of the certified copy of the resolution, the district board may proceed with exercising the power of eminent domain on the specified property."

3. Reletter the succeeding subsections accordingly.
4. On page 61, strike lines 8 through 12 in their entirety.
5. On page 61, strike line 25 up to "A" and insert in lieu thereof the following:

"(15) exercise the power of eminent domain as provided by law and subject to the limitations of Subsection B of this section and the requirements of Subsection C of this section.

B. A district board may exercise the power of eminent domain on property located in a district solely for purposes of carrying out the purposes of the Tax Increment for Development Act; provided that the district board's power of eminent domain shall not exceed the power of eminent domain held by the governing body.

C. If a district board determines to exercise the power of eminent domain on property within a district, the district board shall request the governing body to hold a hearing to determine whether the power of eminent domain should be exercised. The request shall identify the location of the property on which the power will be exercised and the reason the power should be exercised. Upon receipt of the request, the governing body shall promptly hold a hearing to determine whether the power of eminent domain should be exercised on the property identified in the request. If the governing body determines the power should be exercised, the governing body shall, by resolution, approve the exercise of the power of eminent domain on the identified property and transmit a certified copy of the resolution to the district board. Upon receipt of the certified copy of the resolution, the

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district board may proceed with exercising the power of eminent domain on the specified property.

D. The district board is subject to the Procurement Code, or a local procurement code adopted by the governing body, as applicable, for public procurement.

E.".

\_\_\_\_\_  
Gregg Fulfer

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

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

Date \_\_\_\_\_