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SENATE BILL 747

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

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

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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5  
6 March 15, 1999

7  
8 Mr. President:

9  
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been  
11 referred

12  
13 SENATE BILL 747

14  
15 has had it under consideration and reports same with  
16 recommendation that it DO NOT PASS, but that

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18  
19 SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
20 SENATE BILL 747

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22 DO PASS, and further recommends that it now be referred to the  
23 COMMITTEES' COMMITTEE.  
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Respectfully submitted,

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\_\_\_\_\_  
Shannon Robinson, Chairman

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

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Boitano, Stockard, Smith

Absent: None

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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6 March 17, 1999  
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8 Mr. President:  
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10 Your COMMITTEES' COMMITTEE, to whom has been referred  
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12 SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
13 SENATE BILL 747  
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15  
16 has had it under consideration and reports same WITHOUT  
17 RECOMMENDATION.  
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19 Respectfully submitted,  
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24 \_\_\_\_\_  
Manny M. Aragon, Chairman  
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FORTY-SECOND LEGISLATURE  
SECOND SESSION

KEYBOARD(TYPE SLUGS)

Page 5

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

Date \_\_\_\_\_

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SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 747

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
PROVIDING FOR LIMITED AUTHORITY TO EXERCISE THE POWER OF  
EMINENT DOMAIN FOR CERTAIN REASONS BY PUBLIC ELECTRIC  
UTILITIES.

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

Section 1. LIMITED POWER OF EMINENT DOMAIN-- CONDEMNATION  
BY PUBLIC ELECTRIC UTILITY.--

A. To the extent necessary or appropriate to  
implement a plan or any provision of a plan for transition to  
retail competition pursuant to express statutory authority  
providing for customer choice of competitive power suppliers,  
a public electric utility is granted the authority to condemn:

(1) a plant, property or facility leased to the  
public electric utility and used by it in its public utility

. 127954. 1ms

business; and

(2) all or any part of any lease, mortgage, deed of trust, trust indenture, assignment of rents, security agreement, participation or other similar agreement, contract, deed or easement to which the public electric utility is a party or by which it or property leased by it is or may be bound.

B. A public electric utility shall be allowed to use the condemnation authority granted by this section only with the express approval of the public regulation commission, which shall be granted if implementation of the public electric utility's transition plan may be facilitated by such authority. In exercising the authority granted in this section, the public electric utility shall proceed pursuant to the applicable provisions of the Eminent Domain Code.

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SPAC/SB 747

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FORTY- FOURTH LEGISLATURE  
FIRST SESSION, 1999

March 17, 1999

Mr. President:

Your COMMITTEES' COMMITTEE, to whom has been referred

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 747

has had it under consideration and reports same WITHOUT  
RECOMMENDATION.

Respectfully submitted,

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FORTY-SECOND LEGISLATURE  
SECOND SESSION

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KEYBOARD(TYPE SLUGS)

Page 11

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Manny M. Aragon, Chairman

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

Date \_\_\_\_\_

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