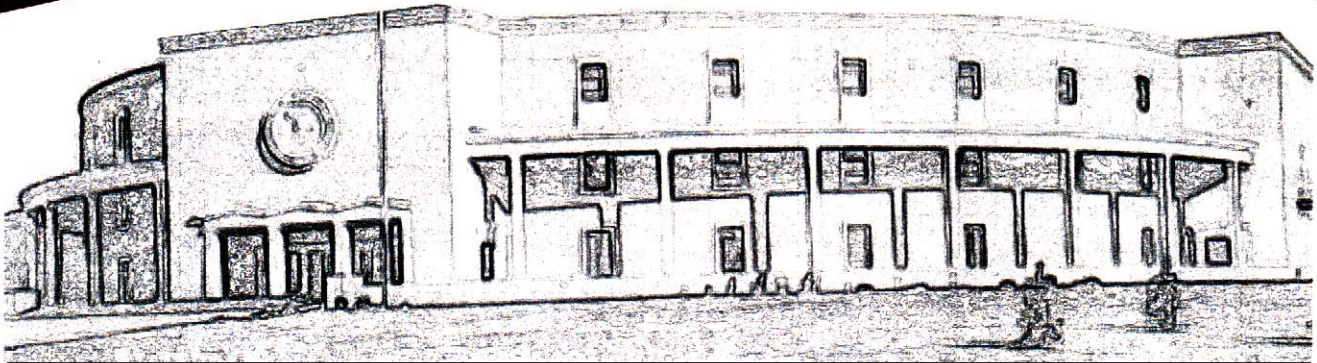


LEGISLEADER



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The *Legisleader* is the official legislative newsletter of the New Mexico Farm and Livestock Bureau...the state's largest and oldest agricultural organization. *Farm Bureau....since 1917 a leader in New Mexico!*

Governor Signs Senate Bill 461

The New Mexico Farm and Livestock Bureau congratulates Senator John Ryan of Bernalillo County on the Governor's signing of his legislation, SB 461. Governor Bill Richardson signed the legislation on March 13. The bill allows a water right owner to change the place, purpose and point of diversion for

conserved water, if the owner can demonstrate to the office of the state engineer that water has been conserved.

"We appreciate the efforts of Senator Ryan in getting this important legislation passed," said John Wortman, executive director of

the New Mexico Farm and Livestock Bureau. "We think it is important that measures be implemented to reward water conservation, rather than penalizing by forfeiture those producers who find innovative ways to conserve our most precious natural resource."

An update on Eminent Domain and Water Legislation...

Eminent Domain

SB 401, Introduced by Senator Steven Neville, passed through the House Health and Government Affairs committee on March 10. The legislation now moves to the House Judiciary committee. SB 401 is a result of the Governor's Task Force on Eminent Domain.

Under this legislation, the Urban Development Law and the Municipal Redevelopment Code are amended to eliminate the authorization to use eminent domain powers.

HB 393, the companion bill to **SB 401**, was amended in the House Judiciary committee.

The amendment allows municipalities to acquire property by eminent domain to correct obsolete or impractical planning and platting of subdivisions. That power would apply only to property that was platted prior to 1975, has remained vacant and unimproved, and threatens

Continued, next page.

the health and safety of persons or property due to erosion, flooding, lack of roads or unsuitable topography. The vote passed by a count of 9-2. Next, it went before the House floor and passed 62-5, then passed the Senate Judiciary committee with a motion to strike the House Judiciary amendment. The next committee for this legislation is Senate Public Affairs.

SJR 3 would send to the voters a proposal to amend Article 2, Sec. 20 of the state Constitution that limits the use of eminent domain for benefit of private commercial enterprises to public uses. "Public uses" is defined as the possession, occupation or enjoyment of property by the public-at-large, by public agencies, utilities, pipeline common carriers, and those seeking to put water to beneficial use. Except for public uses, private property cannot be taken by private commercial enterprises for economic development or other private use unless there is consent from the owner, even though the public would benefit from a more profitable use of the property. The Joint Resolution passed the Senate floor and is now in the House Voters and Elections committee.

SB 469/SB 659, introduced by Senator Michael Sanchez, was heard by the House Health and Government Affairs committee. Both bills pass the committee with no recommendations for

its next stop, the House Judiciary committee. The concern from the committee was that eminent domain should be allowed for public infrastructure needs/or acquiring easements for the conveyance of water.

SB 469 limits a municipality's eminent domain powers within their boundary. SB 659 requires that a petition be completed by the majority of landowners in the contiguous territory that is proposed prior to annexation.

In addition, condemnation is eliminated for sanitary projects and acquisition potable water facilities outside municipal boundaries. SB 659 has the same committee referrals as SB 469.

SJM 54, introduced by Senator Linda Lopez, establishes agriculture districts in order to study the need to protect agriculture through the use of conservation easements and limiting the powers of eminent domain. This legislation failed to pass on the Senate floor by a vote of 19-19.

WATER

HB 811, introduced by Representative Candy Spence Ezzell, provides that an improvement in the efficiency of the carriage or application of water within the artesian district will not result in a reduction of the allowable diversion of water that is allowed under NMSA Section 73-1-27. An amendment was proposed to state that "no depletions" would occur.

Representative Ezzell would not accept the amendment and the bill was tabled in the House Energy committee.

HB 579, introduced by Representative Joseph Cervantes, requires that the state engineer obtain written application from the majority of the water right owners in order to appoint a water master. However, the state engineer may appoint a water master if it is for the purpose of public safety or interests of the water right owners. If the appointment is made by the state engineer, the water master's salary must come out of the state engineer's budget, not the county's. This legislation has passed the House and is now in the Senate Conservation committee.

HB 1278, introduced by Representative Ezzell, eliminates the purchase of land and only requires the acquisition of water for the purpose of complying with the Pecos River settlement. It authorizes the Interstate Stream Commission to sell land and water rights it has acquired if it is determined that the land and water is no longer needed for compliance with the Pecos River Compact. This legislation passed the House and Senate Finance committees.

HJM 48, introduced by Representative Mimi Stewart, requires the state engineer to convene representative stakeholders to study the water

development planning authority allowed to municipalities, counties, school districts, state universities, member-owned community water systems, special water user associations and regulated water and electric public utilities. Representative **Stewart amended the legislation to include agriculture representation at the request of the New Mexico Farm and Livestock Bureau and the Dairy Producers of New Mexico.**

Committee Substitute HB 13, introduced by Representative Peter Wirth, allows municipalities or counties to impose certain requirements to assure community water supplies.

Representative Wirth amended the bill at the request of the New Mexico Farm and Livestock Bureau and Dairy Producers of New Mexico to exclude agricultural water users or water rights owners from the provisions. CSHB 13 passed the house and is now in the Senate Conservation committee.

HB812, introduced by Representative Ezzell, grants additional powers to the board of directors of an artesian conservancy district by authorizing restrictions on interbasin changes in point of diversion or place of use. The legislation has passed the House and is now on its way to the Senate.

OTHER LEGISLATION

SB 85, introduced by Senator

Mary Jane Garcia, limits potential tort liability of food manufacturers, producers and sellers by barring civil suits seeking damages for weight gain, obesity and related health problems as a result of “the long-term consumption of food.” It would term such claims as “frivolous” and seeks to encourage personal responsibility in food consumption. The legislation has passed the Senate and House Health and Government Affairs committees. It’s next stop is the House Judiciary committee. We can anticipate a “do not pass” from this committee since the companion bill HB 747 introduced by Representative Gardner was tabled.

HM 52, introduced by Representative Miguel Garcia, requests the Workers’ Compensation Administration to create a task force to study the fiscal and policy implications of adding coverage for farm and ranch workers. It requests that the task force consist of farm and ranch owners, laborers and their advocates, and employees of the Workers’ Compensation Administration. It asks that the administration report its conclusions and recommendations

to an “appropriate interim committee” by November 2007, and “draft appropriate legislation in response to the conclusion.” This legislation passed the House Labor committee, then was opened for House floor debate.

The bill was amended in the House Labor Committee to clarify that the workers’ compensation law applies to employers of three or more workers excluding the owner and requests that the Director of the Department of Agriculture be added to the list of individuals and organizations who should receive a copy of the memorial.

Amendments presented by Representative Keith Gardner were accepted and the Memorial received a “do pass” out of the House. The amendments are to allow farm and ranch owners and their advocates, representation for the insurance industry to participate. In addition, only a report to the appropriate interim committee is now required as opposed to legislation. HM 52 is a result and a substitute for HB 80 introduced by Representative Antonio Lujan that repealed the farm and ranch exemption from the Workers’ Comp Act.

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bill, log on to
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