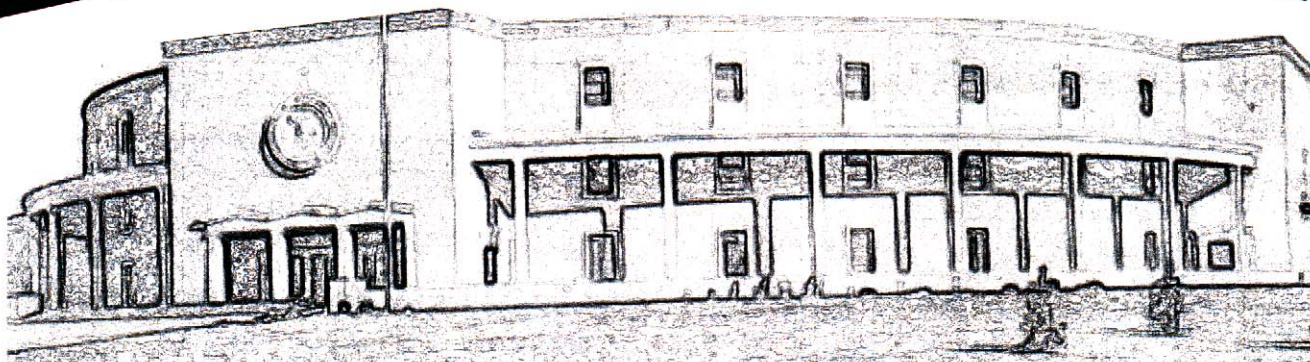


# LEGISLEADER



48th Legislative Session - February 2, 2007 - Volume IV

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!*

## Eminent Domain Legislation Introduced

By Cecilia Abeyta  
Director, Legislative Affairs,  
N.M. Farm and Livestock Bureau

Several eminent domain bills have been introduced since the current legislative session commenced. Below is a summary of the bills with their sponsors and committee assignments. To view the entire legislation, log on to the New Mexico legislature website site at [www.legis.state.nm.us](http://www.legis.state.nm.us).

### SJR3 /HJR1 /SJR 8

Senate Joint Resolution 3 and House Joint Resolution 1 would send to the voters a proposal to amend the State's Constitution, Article 2, Section 20. The resolutions propose to **limit the use of eminent domain to public uses** which are defined as occupation,

possession, or enjoyment of property by the public at large. Under this legislation, conversion for the benefit of commercial enterprises would be limited and additional definitions of public uses include easements for public utilities, pipeline common carriers, and putting water to beneficial use. The proposed legislation further states that except for public uses, private property cannot be taken by private commercial enterprises for the purpose of economic development or other private uses unless there is consent by the owner of the private property.

Senate Joint Resolution 8 is similar to SJR3 and HJR1, but does not address eminent

domain's power to seize water that has been put to beneficial use. **Farm Bureau supports legislation that addresses limiting the use of eminent domain to seize water.**

SJR 3 is sponsored by Sena-  
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### 48th Legislative Session -

All Legislators - State Capitol Switch board - (505) 986-4300.

State Land Office - (505) 827-5760.

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N.M. Legislature homepage - [www.legis.state.nm.us/](http://www.legis.state.nm.us/)

N.M. Farm Bureau Website - [www.nmfarmbureau.org](http://www.nmfarmbureau.org).

tor Lee Rawson and the committee assignments for the bill are Senate Rules and Senate Judiciary. HJR 1 is sponsored by Representative Thomas Anderson. The legislation has been referred to the House Voters & Elections and the House Judiciary committees. SJR 8 is sponsored by Senator Joseph Carraro, and has two committee assignments; Senate Rules and Judiciary.

### **SB 401/HB 393**

Senate Bill 401 and House Bill 393 mirror the recommendations developed by the Governor's Eminent Domain Task Force. Janet Jarratt, a N.M. Farm and Livestock Bureau state board member, is a member of this task force. Task Force recommendations may be found on the New Mexico Farm Bureau website at [www.nmfarmbureau.org](http://www.nmfarmbureau.org). **Farm Bureau supports the exclusion of private economic considerations as the justification for condemnation.**

Senator Steven Neville introduced SB 401 with a companion bill in the House introduced by Representative Peter Wirth HB 393. Both bills amend the Urban Development Law and the Metropolitan Redevelop-

ment Code that remove the power of eminent domain that municipalities currently have. The Community Development Law is also repealed entirely. The committee assignments for SB 401 are Senate Public Affairs and Senate Judiciary and for HB 393, House Judiciary and House Health and Government Affairs.

### **HB 370**

In addition to the above bills, Representative Thomas Swisstack introduced HB 370 which limits the power of eminent domain by amending the Eminent Domain Code and Metropolitan Redevelopment Code. This bill has been referred to the House Health & Government Affairs and the House Judiciary committees.

### **SB 469**

Majority Leader Michael Sanchez has introduced SB469. This legislation has been given two committee assignments; Senate Public Affairs and Senate Judiciary.

Currently, municipalities have eminent domain powers outside municipal boundaries. This legislation would limit that power to within municipal boundaries.

## **AgFest Heading to the City Different**

The annual celebration of the state's diverse agricultural industry is set for Feb. 15, at the La Fonda Hotel in downtown Santa Fe. The event will begin at 6 p.m. and features an opportunity for Farm Bureau members to visit with their elected state representatives in a relaxed, festive atmosphere. A showcase of food from the Land of Enchantment and other agricultural products is the centerpiece of this tradition.

The annual legislative breakfast will convene on the morning of Feb. 15 at 7 a.m. at the La Fonda Hotel. Our legislative guest speakers are Representative Joseph Cervantes from Las Cruces and Senator John Ryan from Albuquerque. Both representatives are co-sponsoring legislation pertaining to agriculture water conservation

Other Farm Bureau events associated with AgFest this year include a council of county Farm Bureau presidents meeting on Feb. 14 at 1:30 p.m. and a New Mexico Farm and Livestock Bureau board of directors meeting on Feb. 15-16. The La Fonda Hotel is located at 100 E. San Francisco St., downtown Santa Fe. For more information on AgFest, call (505) 532-4702.