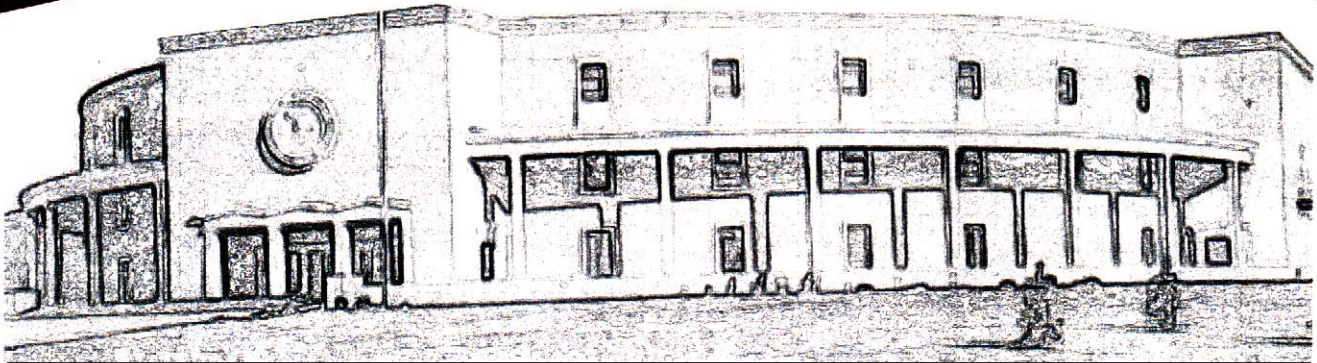


LEGISLEADER



48th Legislative Session - March 1, 2007 - Volume IX

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!*

Your Calls Needed for Current Eminent Domain Legislation!!!

Your calls, letters and other communications with representatives make a huge difference. **We cannot stress enough how important it is for you to call your representatives to support the following eminent domain bills in their current form.** You can contact your representative by logging onto <http://legis.state.nm.us/lcs/legislatorsearch.asp>. You can then search for your representative by name, district or zip code. Or, you can call the State Capitol's switchboard at (505) 986-4300 and ask for the phone number of the representative you wish to contact.

On the evening of March 1, the Legislature acted on the following eminent domain bills.

SB 401 (Companion Bill HB 393) introduced by Senator Neville passed the Senate by a vote of 30-1. SB 401 repeals a municipality's ability to condemn property for economic development purposes under the Metropolitan Redevelopment Act. The bill repeals the Urban Development and the Community Development Acts. The legislation is now on the way to the House for approval.

SB 469 Introduced by Senator Michael Sanchez, passed the Senate by a vote of 34-1. The bill amends NMSA Section 3-18-10 to limit a municipality's power of eminent domain to within its boundaries, deleting autho-

rization to exercise that power within its "planning and platting jurisdiction." The legislation is now on the way to the House for approval.

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All Legislators - State Capitol Switchboard - (505) 986-4300.

State Land Office - (505) 827-5760.

Legislative Council Service - (505) 986-4600.

Office of the Governor (505) 476-2200.

N.M. Legislature homepage - www.legis.state.nm.us/

N.M. Farm Bureau Website - www.nmfarmbureau.org.

SB 659 introduced by Michael Sanchez requires that annexation petitions must be signed by the majority of the owners of land in the contiguous territory sought to be annexed. It prohibits a municipality from exercising its power of eminent domain outside its municipal boundaries to condemn property for sewage collection, treatment or disposal, water facilities or potable water. The legislation was placed on the Senate Calendar on February 27th and has not been opened for floor debate.

Senate Joint Resolution 3 introduced by Senator Lee Rawson amends Article 2, Section 20 of the Constitution of New Mexico. The legislation allows for the taking of private property upon payment of just compensation by public agencies when necessary for the possession, occupation or enjoyment of land by the public at large and by public utilities, pipeline common carriers or those seeking to put water to beneficial use. In addition, the resolution prohibits the taking of private property for use by a

private commercial enterprise for economic development or any other private use, except with the consent of the owner, and prohibits the taking of private property from one owner to be transferred to another, on the grounds that the public will benefit from a more profitable private use. This Joint Resolution must be submitted to the voters for approval or disapproval at a general election. The legislation was placed on the Senate Calendar on February 27th and has not been opened for Floor debate.

An Update on Minimum Wage Legislation

The **Senate** passed **SB 324**, introduced by Senate Pro Tem Ben Altamirano, which increases the minimum wage to \$6.50 in calendar year 2008 and \$7.50 in 2009 and beyond. Under this version, exemptions from the increase exist for employees engaged in various agricultural and horticultural activities, including the milk production industry.

Under the Senate version, local governments would be exempt from passing a higher minimum wage until January 1, 2013 (pre-emption clause), except for governments who have already passed a local minimum wage.

Next, the legislation went to the **House Labor committee**, which amended it by strik-

ing all exemptions previously mentioned, with the exception of charitable, religious and non-profit organizations. Under this version, the effective date for minimum wage would be July 1, 2007 instead of January 1, 2008 and it also proposes a cost of living wage increase. The pre-emption clause, which allows local governments the exemption from the increase until July 1, 2013, was also deleted.

The legislation then went to The **Business and Industry committee**, which reinstated the agricultural exemptions, but left out the pre-emption clause. This version would also make the first minimum wage increase effective July 1, 2007.

Finally, on March 1st, the bill went before the **House Floor**

for debate and a vote. There was an attempt to restore the bill to its original version, that is, to include the pre-emptions for local governments until the year 2013, to exclude cost of living increases, and to make the compliance date effective on Jan. 1, 2008. That attempt failed and the House voted to pass the bill without the local government pre-emption.

The legislation will now go back to the **Senate** for concurrence. Should the concurrence fail, a conference committee is likely to be formed and there may be another attempt to get the legislation back to its original version.

At this point, the agriculture exemptions are included.

Expect further updates.