

LFC Requester:	Jonas Armstrong
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date February 20, 2015
Bill No: HB 548

Sponsor: Rep. Mathew McQueen **Agency Code:** Attorney General's Office - 305
Short Gas Pipes and Eminent **Person Writing** Tannis L. Fox, AAG
Title: Domain Power **Phone:** 827-6695 **Email** tfox@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Relates to: HB 549

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis:

HB 548 amends Section 70-3-5, which allows any “person, firm, association or corporation” to exercise the right of eminent domain for rights of way for the construction, maintenance and operation of pipelines to convey petroleum, natural gas and carbon dioxide gas, and products derived therefrom, to exclude such a right with respect to carbon dioxide gas.

FISCAL IMPLICATIONS N/A

SIGNIFICANT ISSUES

HB 548 does not state whether it applies retroactively or only prospectively. This should be clarified. Further, if the bill applies retroactively, provision for the pipelines already carrying carbon dioxide gas should be made.

PERFORMANCE IMPLICATIONS N/A

ADMINISTRATIVE IMPLICATIONS N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP Related to HB 549.

TECHNICAL ISSUES None identified.

OTHER SUBSTANTIVE ISSUES None identified.

ALTERNATIVES N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL The right of eminent domain will continued to be able to be exercised vis-à-vis carbon dioxide gas.

AMENDMENTS *See* Significant Issues above.