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HOUSE JOINT MEMORIAL 52  
**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY  
Thomas E. Swisstack

A JOINT MEMORIAL  
REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO DIRECT THE  
APPROPRIATE INTERIM COMMITTEE TO STUDY THE EMINENT DOMAIN  
ISSUE.

WHEREAS, the decision of the United States supreme court  
in the *Kelo v. the City of New London* case has created a highly  
charged atmosphere regarding the issue of eminent domain,  
powers of local governments and municipalities and private  
property rights; and

WHEREAS, New Mexico's eminent domain and similar statutes  
regarding redevelopment of lands within municipalities have  
existed for many years; and

WHEREAS, New Mexico's eminent domain law is much different  
from Connecticut's, which is where the *Kelo* case originated;  
and

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1           WHEREAS, many persons are concerned over the precedent set  
2 by the *Kelo* decision and want to ensure that New Mexico law  
3 protects their private property rights; and

4           WHEREAS, local governments want to protect their ability  
5 to plan, plat and grow in order to maintain economic  
6 development in their communities; and

7           WHEREAS, the eminent domain law is complicated, involving  
8 many statutes, and that complexity calls for careful and  
9 thoughtful examination by the legislature before amending  
10 existing law or the constitution of New Mexico;

11           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
12 STATE OF NEW MEXICO that the New Mexico legislative council  
13 direct the appropriate interim committee to study and review  
14 all relevant New Mexico eminent domain statutes; and

15           BE IT FURTHER RESOLVED that the interim committee make it  
16 a priority to hold hearings that include testimony from all  
17 interested parties regarding the eminent domain issue,  
18 including but not limited to local government representatives,  
19 the New Mexico municipal league, the New Mexico association of  
20 counties, private property rights advocates and other concerned  
21 citizens; and

22           BE IT FURTHER RESOLVED that the interim committee make  
23 recommendations by September 2006 to the New Mexico legislative  
24 council on possible legislative solutions for the 2007  
25 legislative session; and

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BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the chair of the New Mexico legislative council.

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