

1 SENATE JOINT RESOLUTION 7

2 47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

3 INTRODUCED BY

4 Rod Adair

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10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLE 2, SECTION 20 OF THE
12 CONSTITUTION OF NEW MEXICO TO LIMIT THE PUBLIC USES FOR WHICH
13 PRIVATE PROPERTY MAY BE TAKEN.

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15 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 Section 1. It is proposed to amend Article 2, Section 20
17 of the constitution of New Mexico to read:

18 "~~Private property shall not be taken or damaged for~~
19 ~~public use without just compensation]~~ With just compensation
20 paid, private property may be taken only when necessary for the
21 possession, occupation or enjoyment of land by the public at
22 large, public agencies or political subdivisions of the state.
23 Except for privately owned common carriers, private property
24 shall not be taken for use by private commercial enterprise,
25 for economic development or for any other private use, except

.160782.1

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underscoring material = new
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1 with the consent of the owner. Property shall not be taken
2 from one owner and transferred to another on the grounds that
3 the public will benefit from a more profitable private use.
4 Whenever an attempt is made to take private property for a use
5 alleged to be public, the question whether the contemplated use
6 be really public shall be a judicial question and determined as
7 such without regard to any legislative assertion that the use
8 is public."

9 Section 2. The amendment proposed by this resolution
10 shall be submitted to the people for their approval or
11 rejection at the next general election or at any special
12 election prior to that date that may be called for that
13 purpose.

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