

1 HOUSE JOINT RESOLUTION 1

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

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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 DEFINE AND LIMIT THE PUBLIC USE  
13 FOR WHICH PRIVATE PROPERTY MAY BE TAKEN OR DAMAGED BY EXCLUDING  
14 PRIVATE DEVELOPMENT OR COMMERCE EXCEPT IN CERTAIN SITUATIONS.

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

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

19 "A. Private property shall not be taken or damaged  
20 for public use without just compensation.

21 B. For the purposes of this section, "public use"  
22 means the possession, occupation or enjoyment of property, as  
23 authorized by law, by the public at large, public agencies,  
24 public utilities, pipeline common carriers and those seeking to  
25 put water to beneficial use. In addition, "public use" means

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1 the addressing of a threat to the personal health or safety of  
2 members of the public from structures or activities on or in  
3 property.

4 C. Except for public use, private property shall  
5 not be taken for use by private commercial enterprise for  
6 economic development or for any other private use unless the  
7 owner consents to the taking.

8 D. Private property shall not be taken from one  
9 owner and transferred to another private owner on the grounds  
10 that the public will benefit from a more profitable use of the  
11 property."

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