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SENATE JOINT MEMORIAL 83

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

TOM R. BENAVIDES

A JOINT MEMORIAL

REQUESTING THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE
COMMITTEE TO STUDY RECENT COURT DECISIONS NULLIFYING SECTION
42A-1-26 NMSA 1978 (BEING LAWS 1981, CHAPTER 125, SECTION 22)
AND RECOMMEND LEGISLATION TO ACHIEVE THE LEGISLATURE'S INTENT.

WHEREAS, the fifth amendment of the United States
constitution says "nor shall private property be taken for
public use, without just compensation"; and

WHEREAS, Section 42A-1-26 NMSA 1978 provides for
compensation of fair market value of property lost as a result
of condemnation; and

WHEREAS, courts have ignored the express intent of this
section of the NMSA 1978;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
STATE OF NEW MEXICO that the courts, corrections and criminal

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1 justice committee be requested to study the issues regarding
2 Section 42A-1-26 NMSA 1978 to determine why the courts have
3 rules against the section and to recommend legislation by
4 December 1, 1996 to correct any deficiencies in the law so as to
5 carry out the legislature's intent pursuant to Section 42A-1-26
6 NMSA 1978; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to the courts, corrections and criminal justice
9 committee.

10 - 2 -

1 FORTY- SECOND LEGI SLATURE
2 SECOND SESSI ON, 1996
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5 February 10, 1996
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7 Mr. President:
8

9 Your RULES COMMI TTEE, to whom has been referred
10

11 SENATE JOINT MEMORIAL 83
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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 JUDI CIARY COMMI TTEE.
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17 Respectfully submit ted,
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22 Glori a Howes, Chair man
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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: EJennings, Wray

Absent: 0

SJ083RU1

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