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HOUSE MEMORIAL 62

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Nathan P. Small

A MEMORIAL

REQUESTING THE ATTORNEY GENERAL TO ISSUE AN OPINION WHETHER
PUBLIC MONEY MAY BE USED TO REHABILITATE OR MAINTAIN A PRIVATE
ROAD FOR PUBLIC WELFARE PURPOSES.

WHEREAS, numerous private housing developments outside of
municipal jurisdictions have been built over the years within
New Mexico; and

WHEREAS, in some cases the roads to these developments
have deteriorated, or are at risk of deterioration to the point
where they pose a hazard to public welfare, including the
health and education of local residents and the economy of the
community;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
REPRESENTATIVES OF THE STATE OF NEW MEXICO that the attorney
general be requested to draft an opinion on whether, and in

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1 which circumstance, the constitution of New Mexico allows
2 public money to be used for the rehabilitation or maintenance
3 of a private road for public welfare purposes; and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to the attorney general and to the governor.