

1 SENATE JOINT RESOLUTION 1

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

3 INTRODUCED BY

4 Leonard Lee Rawson

5
6
7
8
9
10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLE 2, SECTION 20 OF THE
12 CONSTITUTION OF NEW MEXICO TO PROHIBIT THE TAKING OF PRIVATE
13 PROPERTY BY EMINENT DOMAIN FOR PRIVATE OWNERSHIP OR USE.

14
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 "A. Private property [~~shall not~~] may be taken or
19 damaged for public use [~~without just compensation~~] only upon
20 payment of just compensation:

21 (1) by public agencies when necessary for the
22 possession, occupation or enjoyment of land by the public at
23 large; or

24 (2) by public utilities, pipeline common
25 carriers, those seeking to put water to beneficial use.

.159000.4

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

B. Private property shall not be taken for use by a private commercial enterprise, for economic development or for any other private use, except with the consent of the owner.

C. Private property shall not be taken from one owner and transferred to another, on the grounds that the public will benefit from a more profitable private use."

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

underscoring material = new
[bracketed material] = delete