

HOUSE JOINT RESOLUTION 11

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

INTRODUCED BY

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A JOINT RESOLUTION

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

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

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

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

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