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SENATE JOINT RESOLUTION 3
48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007
INTRODUCED BY
Leonard Lee Rawson

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

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:

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

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

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

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

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

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

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