

HOUSE JOINT MEMORIAL 47

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

G. X. MCSHERRY

A JOINT MEMORIAL

REQUESTING THAT STATE AGENCIES, POLITICAL SUBDIVISIONS OF THE STATE AND OTHER ENTITIES WHOSE AUTHORITY PERMITS THE ADOPTION AND IMPLEMENTATION OF REGULATIONS TO CONSIDER, EVALUATE AND AVOID UNNECESSARY IMPACTS AND EFFECTS ON THE PRIVATE PROPERTY RIGHTS OF NEW MEXICO RESIDENTS.

WHEREAS, government regulation may and does invade and restrict the lives and fortunes of the residents of this state by reducing the value and uses of private property; and

WHEREAS, rights inherent in and associated with the ownership of private property are constitutionally protected by the fourteenth amendment to the United States constitution as well as by Article 2, Section 20 of the constitution of New Mexico, which reads: "[p]rivate property shall not be taken or damaged for public use without just compensation"; and

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1 WHEREAS, agencies of government, state, municipal, county
2 and other special or district agencies as well as governing
3 boards of municipal and county governments have been granted
4 authority by law to enact and implement regulations to govern
5 the procedures, process and substance of their statutory
6 authority; and

7 WHEREAS, government action in enacting and implementing
8 regulations, although intended to be done in the public interest
9 and for the public welfare, often may and does infringe on the
10 rights of private property ownership by reducing the value,
11 limiting the use of or otherwise adversely impacting privately
12 owned property of New Mexico residents; and

13 WHEREAS, regulations should be enacted and implemented to
14 advance only legitimate government interests, without infringing
15 upon private property ownership; and

16 WHEREAS, protection of private property ownership is an
17 appropriate public interest and as a responsibility of
18 government, at all levels, should be considered in any enactment
19 of regulations; and

20 WHEREAS, avoidance of regulations that result in an
21 inadvertent negative impact upon private property is a goal to
22 be achieved by all agencies at all levels of government;

23 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
24 STATE OF NEW MEXICO that all agencies of government, including
25 state, municipal, county and other special or district agencies,

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1 be encouraged to enact only those regulations that to the most
2 limited extent possible achieve legitimate governmental
3 interests sought by the agency, yet do not unnecessarily reduce
4 the value of private property or otherwise infringe upon its
5 ownership in this state; and

6 BE IT FURTHER RESOLVED that copies of this memorial be
7 transmitted to the governor for distribution to all state
8 government agencies, boards, commissions, committees, task
9 forces and offices; and to all municipal and county governments
10 in the state for distribution to each of their respective
11 agencies.

State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 4, 1997

Mr. Speaker:

**Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred**

HOUSE JOINT MEMORIAL 47

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.**

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 2 Against

Yes: 5

No: Beam, Saavedra

Excused: Hobbs

Absent: None

M \HJ047

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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 19, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE JOINT MEMORIAL 47

**has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Stewart

Excused: Alwin, M P. Garcia, King, Mallory, Rios, Sanchez

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 20, 1997

Mr. President:

Your CONSERVATION COMMITTEE, to whom has been referred

HOUSE JOINT MEMORIAL 47

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Michael S. Sanchez, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Date _____

The roll call vote was 4 For 2 Against

Yes: 4

No: Feldman, Sanchez

Excused: Griego, Kysar, Lyons, Tsosie

Absent: None

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