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S. WARD
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2017-2018 #113 – Final Draft

Taking Property for Public Use

Colorado Secretary of State

Be it Enacted by the People of the State of Colorado:

SECTION 1. In the constitution of the state of Colorado, amend section 15 of article II as follows:

Section 15. Taking property for public use--compensation, how ascertained. Private property shall not be taken or damaged, for public or private use, without just compensation. WHENEVER THE STATE OR ANY GOVERNMENT ENTITY OR AGENCY ENACTS A LAW, REGULATION OR REGULATORY CONDITION THAT OPERATES TO REDUCE THE FAIR MARKET VALUE OF PROPERTY FOR USES ALLOWABLE AT THE TIME THE OWNER ACQUIRED TITLE, THE PROPERTY SHALL BE DEEMED TO HAVE BEEN TAKEN FOR USE BY THE PUBLIC. Such compensation shall be ascertained by a board of commissioners, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.