

# SENATE . . . . . No. 55

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Richard J. Ross***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying proposal for constitutional amendment:

Proposal for a legislative amendment to the Constitution prohibiting eminent domain.

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PETITION OF:

NAME:

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*Richard J. Ross*

DISTRICT/ADDRESS:

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*Norfolk, Bristol and Middlesex*

# SENATE . . . . . No. 55

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By Mr. Ross, a petition (accompanied by proposal for constitutional amendment, Senate, No. 55) of Richard J. Ross for a legislative amendment to the Constitution to prohibit eminent domain. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 14 OF 2013-2014.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

Proposal for a legislative amendment to the Constitution prohibiting eminent domain.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

### ARTICLE OF AMENDMENT.

1           The People of the Commonwealth of Massachusetts hereby declare it necessary and  
2   expedient to alter the Constitution by the adoption of the following Article of Amendment:-

3           With just compensation paid, private property may be taken only when necessary for the  
4   possession, occupation and enjoyment of land by the public at large, or by public agencies.

5   Except for the privately owned public utilities or common carries, private property shall not be  
6   taken for private commercial enterprise, for economic development or for any other private use,  
7   except with the consent of the owner. Property shall not be taken from one owner and transferred

8 to another, on the grounds that the public will benefit from a more profitable private use.  
9 Whenever an attempt is made to take property for a use alleged to be public, the question  
10 whether the contemplated use is truly public shall be a judicial question, and determined as such  
11 without regard to any legislative assertion that the use is public.