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S. WARD
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Colorado Secretary of State

2017-2018 #110 – Amended Draft

Just Compensation for Damage Due to Government Law or Regulation

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. PRIVATE PROPERTY SHALL BE DEEMED DAMAGED WHEN A GOVERNMENT LAW OR REGULATION REDUCES A PROPERTY'S FAIR MARKET VALUE BY PROHIBITING OR RESTRICTING USES ALLOWABLE AT THE TIME THE OWNER ACQUIRED TITLE TO THE PROPERTY. IN THAT CIRCUMSTANCE, JUST COMPENSATION SHALL EQUAL THE DIFFERENCE BETWEEN THE FAIR MARKET VALUE OF THE PROPERTY BEFORE AND AFTER THE ~~IMPLEMENTATION~~EFFECTIVE DATE OF THE LAW OR REGULATION. 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.