

By: Representatives Franks, Blackmon,  
Reynolds, Miles, Mayo, Markham, McCoy,  
Upshaw, Lott, Gadd, Howell, Hamilton (109th),  
Horne, Nicholson, Arinder, Dedeaux,  
Compretta, Hudson, Vince, Chism, Fillingane,  
Turner, Peranich, Robinson (84th)

To: Constitution

COMMITTEE SUBSTITUTE  
FOR  
HOUSE CONCURRENT RESOLUTION NO. 10

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 17,  
2 MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT PRIVATE PROPERTY  
3 SHALL NEVER BE TAKEN PRIMARILY FOR PRIVATE ECONOMIC DEVELOPMENT  
4 PURPOSES OR FOR A PURPOSE THAT DENIES THE GENERAL PUBLIC THE LEGAL  
5 RIGHT TO USE THE ENTIRE PROPERTY; AND FOR RELATED PURPOSES.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF  
7 MISSISSIPPI, That the following amendment to the Mississippi  
8 Constitution of 1890 is proposed to the qualified electors of the  
9 state:

10 Amend Section 17, Mississippi Constitution of 1890, to read  
11 as follows:

12 "Section 17. Private property shall not be taken or damaged  
13 for public use, except on due compensation being first made to the  
14 owner or owners thereof, in a manner to be prescribed by law; but  
15 private property shall never be taken primarily for private  
16 economic development purposes or for a purpose that denies the  
17 general public the legal right to use the entire property; and  
18 whenever an attempt is made to take private property for a use  
19 alleged to be public, the question whether the contemplated use be  
20 public shall be a judicial question, and, as such, determined  
21 without regard to legislative assertion that the use is public."

22 BE IT FURTHER RESOLVED, That this proposed amendment shall be  
23 submitted by the Secretary of State to the qualified electors at  
24 an election to be held on the first Tuesday after the first Monday  
25 of November 2006, as provided by Section 273 of the Constitution  
26 and by general law.

27 BE IT FURTHER RESOLVED, That the explanation of this proposed  
28 amendment for the ballot shall read as follows: "This proposed

29 constitutional amendment prohibits use of the power of eminent  
30 domain to take private property primarily for private economic  
31 development purposes or for a purpose that denies the general  
32 public the legal right to use the entire property."