

By: Representative Lott

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 23

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 SOLELY FOR PRIVATE ECONOMIC DEVELOPMENT
4 PURPOSES OR FOR A PURPOSE THAT DENIES THE GENERAL PUBLIC THE LEGAL
5 RIGHT TO USE THE 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 solely for private economic
16 development purposes or for a purpose that denies the general
17 public the legal right to use the property; and whenever an
18 attempt is made to take private property for a use alleged to be
19 public, the question whether the contemplated use be public shall
20 be a judicial question, and, as such, determined without regard to
21 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 solely for private economic
31 development purposes or for a purpose that denies the general
32 public the legal right to use the property."