SENATE CONCURRENT RESOLUTION NO. 534

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.

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."