

By: Representative Upshaw

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 8

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 FOR PRIVATE ECONOMIC DEVELOPMENT PURPOSES;
4 AND FOR RELATED PURPOSES.

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

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

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

20 BE IT FURTHER RESOLVED, That this proposed amendment shall be
21 submitted by the Secretary of State to the qualified electors at
22 an election to be held on the first Tuesday after the first Monday
23 of November 2007, as provided by Section 273 of the Constitution
24 and by general law.

25 BE IT FURTHER RESOLVED, That the explanation of this proposed
26 amendment for the ballot shall read as follows: "This proposed
27 constitutional amendment prohibits use of the power of eminent

28 domain to take private property for private economic development
29 purposes."