

By: Representatives Evans (70th),  
Whittington

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 26

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 2010, 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."

30 BE IT FURTHER RESOLVED, That the Attorney General of the  
31 State of Mississippi is hereby directed to submit this resolution,  
32 immediately upon adoption by the Legislature, to the Attorney  
33 General of the United States or to the United States District  
34 Court for the District of Columbia, in accordance with the  
35 provisions of the Voting Rights Act of 1965, as amended and  
36 extended.

