

**SS09-11 WARNING: EVERY PERSON WHO KNOWINGLY SIGNS THIS PETITION WITH ANY OTHER THAN HIS OR HER TRUE NAME, SIGNS MORE THAN ONE OF THESE PETITIONS RELATING TO THE SAME INITIATIVE MEASURE, SIGNS THIS PETITION WHEN HE OR SHE IS NOT A QUALIFIED ELECTOR OR MAKES ANY FALSE STATEMENT ON THIS PETITION MAY BE PUNISHED BY FINE, IMPRISONMENT, OR BOTH.**

**§PETITION FOR INITIATIVE MEASURE  
TO AMEND THE MISSISSIPPI CONSTITUTION**

**TO THE HONORABLE DELBERT HOSEMANN, SECRETARY OF STATE OF THE STATE OF MISSISSIPPI:**

We, the undersigned citizens and qualified electors of the State of Mississippi, respectfully direct that this petition and the proposed measure known as Initiative Measure No. 31, entitled **“SHOULD GOVERNMENT BE PROHIBITED FROM TAKING PRIVATE PROPERTY BY EMINENT DOMAIN AND THEN TRANSFERRING IT TO OTHER PERSONS?”**, a full, true and correct copy of which is printed or attached to this petition, be transmitted to the Legislature of the State of Mississippi at its next ensuing regular session, and we respectfully petition the Legislature to adopt the proposed measure; and each of us for himself or herself says: *“I have personally signed this petition, I am a qualified elector of the State of Mississippi in the city (or town), county and congressional district written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.”*

**Ballot Summary**

Initiative #31 would amend the Mississippi Constitution to prohibit state and local government from taking private property by eminent domain and then conveying it to other persons or private businesses for a period of ten years after acquisition. Exceptions from the prohibition include drainage and levee facilities, roads, bridges, ports, airports, common carriers, and utilities. The prohibition would not apply in certain situations, including public nuisance, structures unfit for human habitation, or abandoned property.

SIGNATURE <i>(include middle initial)</i>	STREET ADDRESS CITY/TOWN	COUNTY	PRINTED NAME <i>(include middle initial)</i>	DATE SIGNED	Precinct	Cong. Dist.
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**CERTIFICATE OF PETITION CIRCULATOR:**

Instructions: Petition circulators must sign and complete all blanks.

I hereby certify that I am a resident of the State of Mississippi during the time at which this petition is being circulated.

Signature of Circulator: \_\_\_\_\_ Printed Name: \_\_\_\_\_  
 Current physical address: \_\_\_\_\_ City, State & Zip: \_\_\_\_\_  
 Current Telephone No.: \_\_\_\_\_ Date signed: \_\_\_\_\_

## Initiative Measure #31

### **Ballot Title**

Should government be prohibited from taking private property by eminent domain and then transferring it to other persons?

### **Ballot Summary**

Initiative #31 would amend the Mississippi Constitution to prohibit state and local government from taking private property by eminent domain and then conveying it to other persons or private businesses for a period of ten years after acquisition. Exceptions from the prohibition include drainage and levee facilities, roads, bridges, ports, airports, common carriers, and utilities. The prohibition would not apply in certain situations, including public nuisance, structures unfit for human habitation, or abandoned property.

### **Text**

#### Eminent Domain Initiative

No property acquired by the exercise of the power of eminent domain under the laws of the State of Mississippi shall, for a period of ten years after its acquisition, be transferred or any interest therein transferred to any person, non-governmental entity, public-private partnership, corporation, or other business entity with the following exceptions:

- (1) The above provisions shall not apply to drainage and levee facilities and usage, roads and bridges for public conveyance, flood control projects with a levee component, seawalls, dams, toll roads, public airports, public ports, public harbors, public wayports, common carriers or facilities for public utilities and other entities used in the generation, transmission, storage or distribution of telephone, telecommunication, gas, carbon dioxide, electricity, water, sewer, natural gas, liquid hydrocarbons or other utility products.
- (2) The above provisions shall not apply where the use of eminent domain (a) removes a public nuisance; (b) removes a structure that is beyond repair or unfit for human habitation or use; (c) is used to acquire abandoned property; or (d) eliminates a direct threat to public health or safety caused by the property in its current condition.

### **Economic Impact Statement**

The amount and source of revenue required to implement the Initiative, if adopted, will only involve whatever printing costs are associated with the adoption of a constitutional amendment. The process of filing and completing eminent domain proceedings is not affected by the Initiative, which has no effect until any property expropriated to transfer to private parties has become vested in the condemnor.

With respect to a reduction in any source of government revenue or reallocation of funding from currently funded programs, the only possible effect would be that property expropriated for transfer to private parties would be removed from the tax rolls if it had been previously owned by an owner paying taxes thereon. This would depend on the location of the property condemned, its assessed value and tax rate and would vary so much that any prediction of its effect would be entirely speculative. Also, the exceptions contained in the initiative would exempt most all condemned property from the limitation on transfers.