

House OKs property bill

By Phil West

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JACKSON -- The state House overwhelmingly gave final legislative approval Wednesday to a measure that would prohibit the use of eminent domain for private purposes, but the bill may have trouble when it reaches Mississippi Gov. Haley Barbour for his signature.

The legislation, which passed on a vote of 119-3, would bar government from taking private property -- even if it pays owners a reasonable price -- for use as retail, office, commercial, industrial or residential development, corporations or other business entities.

Government entities could still use eminent domain -- the power of government to take private property for a public purpose, even if the property owner objects -- for public use.

Supporters of the legislation say the use of eminent domain should be limited to avoid forcing landowners to sell property they sometimes have held for generations.

Opponents say government needs the power to condemn land that can be converted into valuable, job-producing property.

Barbour said Mississippi could not have landed major economic projects such as the Nissan plant in Canton or Toyota in Blue Springs had the legislation been a law at the time.

He said the state would not have been in the running for a high-tech aerospace expansion, with 625 new jobs in luka had the legislation been law years earlier when the property was developed for a Tennessee Valley Authority nuclear power plant.

Barbour answered questions after signing legislation authorizing a \$25 million incentive package for the luka expansion by Alliant Techsystems Inc.

"The property that this plant sits on was taken by eminent domain," Barbour said.

"If the (bill) that's being sent to me by the legislature were to become law, I could go back and sue and say that that land can't be used for economic development purposes even though it's a major economic development impact project."

Barbour noted that an eminent domain case in Connecticut involved the government taking property for an urban renewal project. He said a similar case occurred in Jackson.

"My view is (legislators) should have ... said eminent domain cannot be used for urban renewal, and they should have put back in major economic impact," he said.

Barbour noted that Mississippi's law has several layers of review to ensure property is not wrongly taken from its owners.

"I think private property has to be very, very strictly protected," he said.

"But I don't think there can be more protection than if local government, the MDA (Mississippi Development Authority) has to approve it, the legislature has to approve, and the governor has to sign it. I think that's the maximum protection that can be available."



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