

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1457: Court proceedings; private way of necessity; circuit court to determine necessity.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8           **SECTION 1.** Section 65-7-201, Mississippi Code of 1972, is  
9 amended as follows:

10           65-7-201. When any person shall desire to have a private  
11 road laid out through the land of another, when necessary for  
12 ingress and egress, he shall apply by petition, stating the facts  
13 and reasons, to the special court of eminent domain created under  
14 Section 11-27-3 of the county where the land or part of it is  
15 located, and the case shall proceed as nearly as possible as  
16 provided in Title 11, Chapter 27 for the condemnation of private  
17 property for public use. The court sitting without a jury shall  
18 determine the reasonableness of the application. The owner of the  
19 property shall be a necessary party to the proceedings. If the  
20 court finds in favor of the petitioner, \* \* \* all damages that the  
21 jury determines the landowner should be compensated for shall be  
22 assessed against and shall be paid by the person applying for the  
23 private road, and he shall pay all the costs and expenses incurred  
24 in the proceedings.

25           **SECTION 2.** This act shall take effect and be in force from  
26 and after its passage.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

1 AN ACT TO AMEND SECTION 65-7-201, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT PROCEEDINGS TO ESTABLISH A PRIVATE WAY OF  
3 NECESSITY THROUGH THE LANDS OF ANOTHER FOR THE PURPOSE OF ALLOWING  
4 INGRESS AND EGRESS SHALL BE FILED WITH AND DETERMINED BY THE  
5 SPECIAL COURT OF EMINENT DOMAIN OF THE COUNTY WHERE THE LAND OR  
6 PART OF IT IS LOCATED; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

**X** \_\_\_\_\_  
David L. Green

**X** \_\_\_\_\_  
Percy L. Maples

**X** \_\_\_\_\_  
Phillip West

CONFEREES FOR THE SENATE

**X** \_\_\_\_\_  
Bennie L. Turner

**X** \_\_\_\_\_  
Barbara Blackmon

**X** \_\_\_\_\_  
Tommy Dickerson