

## REPORT OF CONFERENCE COMMITTEE

# 3

MR. SPEAKER AND MADAM PRESIDENT:

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

H. B. No. 100: Eminent Domain; restrict use of.

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:

5           **SECTION 1.** Section 11-27-1, Mississippi Code of 1972, is  
6 amended as follows:

7           11-27-1. (1) Any person or corporation having the right to  
8 condemn private property for public use shall exercise that right  
9 as provided in this chapter, except as elsewhere specifically  
10 provided under the laws of the State of Mississippi.

11           (2) Notwithstanding any provisions of this chapter to the  
12 contrary or any other provisions of law to the contrary, private  
13 property shall not be taken or damaged except for a direct public  
14 use which is the predominate purpose of the taking or damage, and  
15 due compensation is first made to the owner or owners thereof, in  
16 the manner prescribed by law. An increase in tax revenue for a  
17 governmental entity shall not be considered a direct public use.  
18 Without limiting or enlarging what otherwise may or may not be a  
19 direct public use, for purposes of this section, a direct public  
20 use shall include drainage and levee facilities and usages; roads  
21 and bridges for public conveyance; the preservation of an historic  
22 structure listed on the National Register of Historic Places as  
23 long as the condition of said structure constitutes a menace to  
24 the public health and safety of the community and constitutes a  
25 public hazard and nuisance as these phrases are used in Section  
26 21-19-20(b)(1); and common carriers or facilities of public

27 utilities and other entities used in the generation, transmission,  
28 storage or distribution of telephone, telecommunication, gas,  
29 carbon dioxide, electricity, water, sewer, natural gas, liquid  
30 hydrocarbons or other utility products.

31 **SECTION 2.** This act shall take effect and be in force from  
32 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 11-27-1, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT USE OF THE POWER OF EMINENT DOMAIN EXCEPT FOR A DIRECT  
3 PUBLIC USE; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)  
Blackmon

X (SIGNED)  
Ross

X (SIGNED)  
Simpson

X (SIGNED)  
Doxey

X (SIGNED)  
Franks

X (SIGNED)  
Michel