

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

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

H. C. No. 10: Amend Constitution; restrict use of eminent domain.

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 resolving clause and inserting in lieu thereof the following:

7 That the following amendment to the Mississippi Constitution of
8 1890 is proposed to the qualified electors of the 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 except for public use and except on due compensation being first
13 made to the owner or owners thereof, in a manner to be prescribed
14 by law. The taking or damaging of private property predominantly
15 for the purpose of increasing tax revenue shall not be considered
16 a public use. Whenever an attempt is made to take private
17 property for a use alleged to be public, the question whether the
18 contemplated use be public shall be a judicial question, and, as
19 such, determined without regard to legislative assertion that the
20 use is public.

21 BE IT FURTHER RESOLVED, That this proposed amendment shall be
22 submitted by the Secretary of State to the qualified electors at
23 an election to be held on the first Tuesday after the first Monday
24 of November 2006, as provided by Section 273 of the Constitution
25 and by general law.

26 BE IT FURTHER RESOLVED, That the explanation of this proposed
27 amendment for the ballot shall read as follows: "This proposed

28 constitutional amendment prohibits use of the power of eminent
29 domain to take private property for the predominate purpose of
30 increasing tax revenue."

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

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 17,
2 MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT THE TAKING OF
3 DAMAGING OF PRIVATE PROPERTY PREDOMINANTLY FOR PRIVATE ECONOMIC
4 DEVELOPMENT SHALL NOT BE CONSIDERED A PUBLIC USE; AND FOR RELATED
5 PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)
Evans

X (SIGNED)
Reynolds

X (SIGNED)
Upshaw

CONFEREES FOR THE SENATE

X (SIGNED)
Bryan

X (SIGNED)
Tollison

X (SIGNED)
Ross