

By: Representative Moak

To: Public Utilities

HOUSE BILL NO. 1547
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 11-27-48, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE THE FEDERAL ENERGY REGULATORY COMMISSION IN THE
3 EXEMPTION FROM OBTAINING A CERTIFICATE OF PUBLIC CONVENIENCE AND
4 NECESSITY FOR EMINENT DOMAIN PURPOSES; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 11-27-48, Mississippi Code of 1972, is
7 amended as follows:

8 11-27-48. No entity empowered under the laws of the State of
9 Mississippi to exercise the power of eminent domain shall be
10 required, as a condition precedent to exercising such power, to
11 obtain from the applicable regulatory agency, whether the
12 Mississippi Public Service Commission or the Federal Energy
13 Regulatory Commission, or any successor agency, any of the
14 following:

15 (a) A determination that the entity qualifies as one to
16 which the Legislature has granted the power of eminent domain;

17 (b) A determination that the entity has complied with
18 state law in invoking the statutory power of eminent domain; or

19 (c) A certificate of public convenience and necessity
20 for the particular taking in question.

21 However, this section shall not affect or alter in any way
22 the terms and provisions contained in Sections 77-3-13, 77-3-17
23 and 77-3-21.

24 **SECTION 2.** This act shall take effect and be in force from
25 and after July 1, 2007.