

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2152

BY: Senator(s) Ross

**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) (a) Notwithstanding any provisions of this chapter to
12 the contrary or any other provisions of law to the contrary,
13 private property shall not be taken or damaged except for a direct
14 public use which is the primary purpose of the taking or damage,
15 and compensation is first made to the owner or owners thereof, in
16 a manner to be prescribed by law. Except as provided in paragraph
17 (b), whenever an attempt is made to take private property for a
18 use alleged to be a direct public use, the question whether the
19 contemplated use is a direct public use shall be a judicial
20 question, and, as such, shall be determined without regard to
21 legislative assertion that the use is a direct public use.

22 (b) Without limiting or enlarging what otherwise may or
23 may not be a direct public use, for purposes of this section, an

24 increase in tax revenue for a governmental entity or a general
25 improvement in a community's economy shall not, in and of itself,
26 be a direct public use. Without limiting or enlarging what
27 otherwise may or may not be a direct public use, for purposes of
28 this section, a direct public use shall include common carriers or
29 facilities of public utilities and other entities used in the
30 generation, transmission, storage or distribution of telephone,
31 telecommunication, gas, carbon dioxide, electricity, water, sewer,
32 natural gas, liquid hydrocarbons or other utility products.

33 **SECTION 2.** This act shall take effect and be in force from
34 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.