



Mississippi Forestry Association

Legislative Bulletin

The Voice of Forestry

Volume 2008 Number 8

April 4, 2008

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Legislative Calendar

April 10

Deadline to *concur* or *not concur* in amendments from other house to general bills and constitutional amendments.

April 19

End of Legislative Session

Links: MFA Government Affairs

<http://www.msforestry.net/governmentaffairs.php>

MFA Online

www.msforestry.net

Protect the American Dream Eminent Domain

Owning a piece of land, whether as a home for your family or as farmland, timberland, or just as a place that you and your family can enjoy, is a common thread in our society. Most Americans aspire to be property owners.

Unfortunately, that type of goal has been threatened in recent years by a Supreme Court case known as *Kelo v New London, CT* (2005). The *Kelo v New London* decision significantly changed the definition of eminent domain by allowing private land to be taken and given to a private entity for economic development purposes.

Traditionally, eminent domain has been used for highways, parks, utilities, and other public uses. The Supreme Court's decision means that our private land can now be taken and given to another private party simply because that individual might possibly be able to make money with it and pay more taxes.

As Mississippi landowners, we need sound legislation in place that will protect our rights as landowners. These rights should not be jeopardized.

Since the 2005 Supreme Court decision, forty-two states have implemented some form of legislation to strengthen their eminent domain laws. Of those forty-two states, twenty-three have strengthened their laws significantly.

The Southeastern area of the United States has risen to the challenge of protecting private property rights. Alabama, Louisiana, Georgia, Florida, and South Carolina have all been successful at passing strong private property rights. Some of the states passed multiple legislative actions to get to their current strength. Mississippi should do likewise.

Mississippi is one of only eight states that have failed to pass legislation that would strengthen private property rights. For the past three years, every attempt to pass legislation to protect the rights of landowners has failed.

In the current legislative session, two bills are pending that protect landowners from having their property taken except for true public purposes. **Senate Bill 2822** and **House Bill 591** are headed into the final negotiations in the Legislature.



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MFA's Mission is leading diverse forestry groups to promote landowner rights, environmental stewardship, member prosperity, and community understanding.

There is one main difference between the two bills. The Senate bill would allow local governments to use eminent domain to take property for economic development projects creating 1,000 or more jobs. The House bill does not contain that exemption.

We need to prevent the abuse of eminent domain in Mississippi. The dream of owning and retaining your own property should not hang in jeopardy. Protecting your private property should be a high priority to the elected officials of the State of Mississippi. No legislative issue is more important during this session of the Mississippi Legislature.

Please join me and the members of our Farm Bureau family in supporting private property rights. Though it has not received much publicity, and though powerful economic forces oppose its actions, Farm Bureau believes that principle should prevail over profit.

Help us preserve an important American Dream. Remember, this could happen to you.

David Waide
President
Mississippi Farm Bureau Federation

2008 MFA Forestry Bills Tracking List

2008 Regular Session
Mississippi Legislature

Note: As of April 4, 2008. Bills will be added and deleted as necessary throughout the Legislative Session

Recommended MFA Positions: M = monitor, S = support, O = oppose

House of Representatives

HB 591 Eminent domain; restrict to direct public use <http://bill-status.ls.state.ms.us/2008/pdf/history/HB/HB0591.xml> 03/27 (H) Decline to Concur/Invite Conf 04/01 (H) Conferees Named Blackmon, Cockerham, Moss
MFA: **M**

HB 1357 Mississippi Public Waterways Law; revise regulations relating to use of ATVs in public waters <http://billstatus.ls.state.ms.us/2008/pdf/history/HB/HB1357.xml> 03/28 (H) Decline to Concur/Invite Conf 04/01 (H) Conferees Named Mayo, Frierson, Fredericks
MFA: **S**



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Senate

SB 2437 Levees; clarify prohibited activities <http://billstatus.ls.state.ms.us/2008/pdf/history/SB/SB2437.xml> 03/31 Approved by Governor
MFA: **O**

SB 2457 Forestry tax; extend repealer on forest acreage tax <http://billstatus.ls.state.ms.us/2008/pdf/history/SB/SB2457.xml> 03/25 Approved by Governor
MFA: **S**

SB 2458 Forestry; extend repealer on authority of the Forestry Commission to hire law enforcement officers to investigate arson <http://billstatus.ls.state.ms.us/2008/pdf/history/SB/SB2458.xml> 03/24 Approved by Governor
MFA: **S**

SB 2820 Public waterways; provide penalty for damaging fish habitat by riding motorized vehicle in the bed of a stream <http://billstatus.ls.state.ms.us/2008/pdf/history/SB/SB2820.xml> 04/01 (S) Decline to Concur/Invite Conf 04/03 (S) Conferees Named Tollison, Dearing, Hopson
MFA: *S with S. amendment*

SB 2822 Eminent domain; restrict to direct public use (Hyde-Smith) <http://billstatus.ls.state.ms.us/2008/pdf/history/SB/SB2822.xml> 03/20 (S) Conferees Named Fillington, Nunnelee, Hyde-Smith 03/27 (H) Conferees Named Blackmon, Cockerham, Moss
MFA: **S**

SB 2837 Criminal trespass; enhance when trespass is knowing and trespasser is in possession of a firearm <http://billstatus.ls.state.ms.us/2008/pdf/history/SB/SB2837.xml> 03/26 (H) Died On Calendar **DEAD**
MFA: **S**

SB 2910 Elections; make various revisions to the state election law <http://billstatus.ls.state.ms.us/2008/pdf/history/SB/SB2910.xml> 04/01 (S) Decline to Concur/Invite Conf 04/02 (S) Conferees Named Burton, Dickerson, Flowers
MFA: **S**

SB 3007 Public buildings; authorize use of green building standards in certain major facility projects <http://billstatus.ls.state.ms.us/2008/pdf/history/SB/SB3007.xml> 03/27 (S) Decline to Concur/Invite Conf 03/28 (S) Conferees Named Moffatt, Dawkins, Hopson 04/02 (H) Conferees Named Mayo, DuVall, Ellington
MFA: **S**

SCR 556 Urge Congress to enact the Secure Rural Schools and Community Self-Determination Act <http://billstatus.ls.state.ms.us/2008/pdf/history/SC/SC0556.xml> 02/25 (S) Enrolled Bill Signed 02/25 (H) Enrolled Bill Signed
MFA: **M**