

By: Representative Zuber

To: Judiciary A

HOUSE BILL NO. 225

1 AN ACT TO AMEND SECTION 11-27-1, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT USE OF THE POWER OF EMINENT DOMAIN FOR CERTAIN PRIVATE,
3 NONGOVERNMENTAL PURPOSES; TO PROVIDE EXCEPTIONS; AND FOR RELATED
4 PURPOSES.

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

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

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

12 (2) Notwithstanding the provisions of this chapter or any
13 other provisions of law to the contrary, property shall not be
14 condemned for the purposes of private retail, office, commercial,
15 industrial or residential development; or primarily for
16 enhancement of tax revenue; or for transfer to a person,
17 nongovernmental entity, public-private partnership, corporation or
18 other business entity unless such property is designated as a
19 project or a facility related to a project in Section 57-75-5 of
20 the Mississippi Major Economic Impact Act. Nothing in this
21 chapter shall be interpreted to prohibit the exercise of the power
22 of eminent domain for the purpose of constructing, maintaining or
23 operating streets and roadways, government buildings or park and
24 recreation facilities.

25 (3) Property condemned pursuant to any provision of law, if
26 not used for the purpose or purposes for which it was condemned or
27 for some other public use, that subsequently is determined to be
28 sold shall be offered first for sale to the person or persons from

29 whom the property was condemned, or to his or her known or
30 ascertainable heirs or assigns, at the price paid for the
31 property, less such amount, if any, as the person or persons from
32 whom the property was condemned shows by good and sufficient
33 documentation to be the amount of income and transaction taxes, if
34 any, actually paid in connection therewith. However, if the offer
35 is not accepted within ninety (90) days from the date it is made,
36 the property may be sold to any other person, but only at public
37 sale after legal notice is given.

38 **SECTION 2.** This act shall take effect and be in force from
39 and after its passage.