

By: Representative Zuber

To: Judiciary A

HOUSE BILL NO. 138

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.

