

By: Representatives Blackmon, Franks

To: Judiciary A

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 300

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 EXEMPTIONS; 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, the right of eminent  
14 domain shall not be exercised for the purposes of converting  
15 privately owned real property for retail, office, commercial,  
16 industrial or residential development; or for enhancement of tax  
17 revenue; or for transfer to a person, nongovernmental entity,  
18 public-private partnership, corporation or other business entity.  
19 This subsection shall not apply to drainage and levee facilities  
20 and usages, roads and bridges for public conveyance, and common  
21 carriers or facilities of public utilities and other entities used  
22 in the generation, transmission, storage or distribution of  
23 telephone, telecommunication, gas, carbon dioxide, electricity,  
24 water, sewer, natural gas, liquid hydrocarbons or other utility  
25 products.

26 (3) Property condemned pursuant to any provision of law, if  
27 not used for the purpose or purposes for which it was condemned or  
28 for some other public use, that subsequently is determined to be

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

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