

By: Representatives Blackmon, Upshaw, DuVall To: Judiciary A

HOUSE BILL NO. 803

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. Structures listed on the National Register of Historic
26 Places are exempt from the provisions of this subsection. This
27 subsection shall not apply to institutions of higher learning or
28 community colleges.



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

