

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2230

1 AN ACT TO AMEND SECTION 11-27-1, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT USE OF THE POWER OF EMINENT DOMAIN EXCEPT FOR A PUBLIC  
3 USE; AND FOR RELATED PURPOSES.

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

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

7 11-27-1. (1) Any person or corporation having the right to  
8 condemn private property for public use shall exercise that right  
9 as provided in this chapter, except as elsewhere specifically  
10 provided under the laws of the State of Mississippi.

11 (2) (a) Notwithstanding the provisions of this chapter or  
12 any other provisions of law to the contrary, the right of eminent  
13 domain shall not be exercised for the purpose of taking or  
14 damaging privately owned real property for private development or  
15 for a private purpose, for enhancement of tax revenue, or for  
16 transfer to a person, nongovernmental entity, public-private  
17 partnership, corporation or other business entity.

18 (b) The right of eminent domain shall only be exercised  
19 for a public use, provided just compensation is first made to the  
20 owner or owners thereof in a manner to be prescribed by law.

21 (c) The provisions of this subsection (2) shall not  
22 apply to drainage and levee facilities and usage, roads and  
23 bridges for public conveyance, common carriers or facilities of  
24 public utilities and other entities used in the generation,  
25 transmission, storage or distribution of telephone,  
26 telecommunication, gas, carbon dioxide, electricity, water, sewer,  
27 natural gas, liquid hydrocarbons or other utility products.



28           (d) The provisions of this subsection (2) shall not  
29 apply to the exercise of eminent domain in connection with urban  
30 renewal projects as provided in Section 43-35-17, to structures  
31 listed in the National Register of Historic Places, or to  
32 institutions of higher learning or community colleges.

33           (e) (i) The provisions of this subsection (2) shall  
34 not apply to any economic development projects that have been  
35 certified by the Mississippi Development Authority as directly  
36 creating one thousand (1,000) or more jobs.

37           (ii) For any private property taken for any  
38 economic development project certified under subparagraph (i), the  
39 compensation due to the owner or owners thereof shall be three  
40 hundred percent (300%) of the damages determined in a proceeding  
41 under Title 11, Chapter 27, Mississippi Code of 1972, and the  
42 trier of fact shall not be advised of the escalation imposed by  
43 this subparagraph.

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

