

By: Representatives Franks, Blackmon, Reynolds, McCoy, Lott, Cummings, Holland, Gadd, Gibbs, Horne, Nicholson, Arinder, Miles, Dedeaux, Compretta, Hudson, Vince, Chism, Turner, Upshaw, Fillingane, Peranich, Robinson (84th)

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 100

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; 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) Notwithstanding the provisions of this chapter or any
12 other provisions of law to the contrary, the right of eminent
13 domain shall not be exercised for the purposes of converting
14 privately owned real property for 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.

19 (3) Property condemned pursuant to any provision of law, if
20 not used for the purpose or purposes for which it was condemned or
21 for some other public use, that subsequently is determined to be
22 sold shall be offered first for sale to the person or persons from
23 whom the property was condemned, or to his or her known or
24 ascertainable heirs or assigns, at the price paid for the property
25 together with the fair market value of any improvements thereon,
26 less such amount, if any, as the person or persons from whom the
27 property was condemned shows by good and sufficient documentation

28 to be the amount of income and transaction taxes, if any, actually
29 paid in connection therewith. However, if the offer is not
30 accepted within ninety (90) days from the date it is made, the
31 property may be sold to any other person, but only at public sale
32 after legal notice is given.

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