

By: Representative Lott

To: Judiciary A

HOUSE BILL NO. 402

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, property shall not be
13 condemned for the purposes of private retail, office, commercial,
14 industrial or residential development; or primarily for
15 enhancement of tax revenue; or for transfer to a person,
16 nongovernmental entity, public-private partnership, corporation or
17 other business entity. Nothing in this chapter shall be
18 interpreted to prohibit the exercise of the power of eminent
19 domain for the purpose of constructing, maintaining or operating
20 streets and roadways, government buildings or park and recreation
21 facilities.

22 (3) Property condemned pursuant to any provision of law, if
23 not used for the purpose or purposes for which it was condemned or
24 for some other public use, that subsequently is determined to be
25 sold shall be offered first for sale to the person or persons from
26 whom the property was condemned, or to his or her known or
27 ascertainable heirs or assigns, at the price paid for the

28 property, less such amount, if any, as the person or persons from
29 whom the property was condemned shows by good and sufficient
30 documentation to be the amount of income and transaction taxes, if
31 any, actually paid in connection therewith. However, if the offer
32 is not accepted within ninety (90) days from the date it is made,
33 the property may be sold to any other person, but only at public
34 sale after legal notice is given.

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