

By: Senator(s) Dearing

To: Judiciary, Division A

SENATE BILL NO. 2237

1 AN ACT TO AMEND SECTION 11-27-1, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT USE OF THE POWER OF EMINENT DOMAIN BY MUNICIPALITIES FOR
3 CERTAIN PRIVATE, NONGOVERNMENTAL PURPOSES; 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, property shall not be
14 condemned by any municipality for the purposes of private retail,
15 office, commercial, industrial or residential development, or
16 primarily for enhancement of tax revenue, or for transfer to a
17 person, nongovernmental entity, public-private partnership,
18 corporation or other business entity. Nothing in this chapter
19 shall be interpreted to prohibit the exercise by a municipality of
20 the power of eminent domain for the purpose of constructing,
21 maintaining or operating streets and roadways, government
22 buildings or parks and recreational facilities.

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

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

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