

By: Representatives Blackmon, Franks

To: Judiciary A

HOUSE BILL NO. 300
(As Passed the House)

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.

26 (3) Property condemned pursuant to any provision of law, if
27 not used for the purpose or purposes for which it was condemned or
28 for some other public use, after a period of ten (10) years of

29 inactivity, that subsequently is determined to be sold shall be
30 offered first for sale to the person or persons from whom the
31 property was condemned, or to his or her known or ascertainable
32 heirs or assigns, at the price paid for the property together with
33 the fair market value of any improvements thereon, less such
34 amount, if any, as the person or persons from whom the property
35 was condemned shows by good and sufficient documentation to be the
36 amount of income and transaction taxes, if any, actually paid in
37 connection therewith. However, if the offer is not accepted
38 within ninety (90) days from the date it is made, the property may
39 be sold to any other person, but only at public sale after legal
40 notice is given.

41 The provisions of this subsection (3) shall apply to any real
42 property whether condemned before or after the passage of this
43 act, applicable only to Yellow Creek Port.

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