

By: Representatives Blackmon, Upshaw, DuVall To: Judiciary A

HOUSE BILL NO. 803
(As Sent to Governor)

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; or 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 the manner 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, flood control projects with a levee
24 component, seawalls, dams, toll roads, public airports, public
25 ports, public harbors, public wayports, common carriers or
26 facilities for public utilities and other entities used in the
27 generation, transmission, storage or distribution of telephone,



28 telecommunication, gas, carbon dioxide, electricity, water, sewer,
29 natural gas, liquid hydrocarbons or other utility products.

30 (d) The provisions of subsection (2)(a) shall not apply
31 where the use of eminent domain (i) removes a public nuisance;
32 (ii) removes a structure that is beyond repair or unfit for human
33 habitation or use; (iii) is used to acquire abandoned property; or
34 (iv) eliminates a direct threat to public health or safety caused
35 by the property in its current condition.

36 (e) The provisions of subsection (2)(a) shall not apply
37 to the exercise of eminent domain in connection with projects and
38 tier one suppliers as defined in Section 57-75-5 as it existed
39 prior to the effective date of this act.

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

