

By: Senator(s) Johnson (19th)

To: Judiciary

SENATE BILL NO. 2458

1 AN ACT TO AMEND SECTION 11-27-81, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THE EXERCISE OF QUICK TAKE EMINENT DOMAIN ON BEHALF OF  
3 CERTAIN PUBLIC ENTITIES; TO AMEND SECTION 17-1-3, MISSISSIPPI CODE  
4 OF 1972, TO CLARIFY THE CONDEMNATION OF PROPERTY AT THE REQUEST OF  
5 CERTAIN PUBLIC ENTITIES; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 11-27-81, Mississippi Code of 1972, is  
8 amended as follows:

9 11-27-81. The right of immediate possession pursuant to  
10 Sections 11-27-81 through 11-27-89, Mississippi Code of 1972, may  
11 be exercised only:

12 (a) By the State Highway Commission for the acquisition  
13 of highway rights-of-way only;

14 (b) By any county or municipality for the purpose of  
15 acquiring rights-of-way to connect existing roads and streets to  
16 highways constructed or to be constructed by the State Highway  
17 Commission;

18 (c) By any county or municipality for the purpose of  
19 acquiring rights-of-way for widening existing roads and streets of  
20 such county or municipality; provided, however, that said  
21 rights-of-way shall not displace a property owner from his  
22 dwelling or place of business;

23 (d) By the boards of supervisors of any county of this  
24 state for the acquisition of highway or road rights-of-way in  
25 connection with a state-aid project designated and approved in  
26 accordance with Sections 65-9-1 through 65-9-31, Mississippi Code  
27 of 1972;

28 (e) By the Mississippi Wayport Authority for the  
29 purposes of acquiring land and easements for the Southeastern  
30 United States Wayport Project as authorized by Sections 61-4-1  
31 through 61-4-13, Mississippi Code of 1972;

32 (f) By any county or municipality for the purpose of  
33 acquiring rights-of-way for water, sewer, drainage and other  
34 public utility purposes; provided, however, that such acquisition  
35 shall not displace a property owner from his dwelling or place of  
36 business;

37 (g) By any county authorized to exercise the power of  
38 eminent domain under Section 19-7-41 for the purpose of acquiring  
39 land for construction of a federal correctional facility or other  
40 federal penal institution; \* \* \*

41 (h) By the Mississippi Major Economic Impact Authority  
42 for the purpose of acquiring land, property and rights-of-way for  
43 a project as defined in Section 57-75-5(f)(iv)1 or any facility  
44 related to the project as provided in Section 57-75-11(e)(ii); or

45 (i) By any county or municipality at the request and on  
46 behalf of a separate public entity for the purpose of acquiring  
47 rights-of-way for water, sewer, drainage and other public utility  
48 purposes; provided, however, that such acquisition shall not  
49 displace a property owner from his dwelling or place of business.

50 SECTION 2. Section 17-1-3, Mississippi Code of 1972, is  
51 amended as follows:

52 17-1-3. Except as otherwise provided in Article VII of the  
53 Chickasaw Trail Economic Development Compact described in Section  
54 57-36-1, for the purpose of promoting health, safety, morals, or  
55 the general welfare of the community, the governing authority of  
56 any municipality, and, with respect to the unincorporated part of  
57 any county, the governing authority of any county, in its  
58 discretion, are empowered to regulate the height, number of  
59 stories and size of building and other structures, the percentage  
60 of lot that may be occupied, the size of the yards, courts and

61 other open spaces, the density of population, and the location and  
62 use of buildings, structures and land for trade, industry,  
63 residence or other purposes, but no permits shall be required with  
64 reference to land used for agricultural purposes, including  
65 forestry activities as defined in Section 95-3-29(2)(c), or for  
66 the erection, maintenance, repair or extension of farm buildings  
67 or farm structures, including forestry buildings and structures,  
68 outside the corporate limits of municipalities. The governing  
69 authority of each county and municipality may create playgrounds  
70 and public parks, and for these purposes, each of such governing  
71 authorities shall possess the power, where requisite, of eminent  
72 domain and the right to apply public money thereto, and may issue  
73 bonds therefor as otherwise permitted by law. The governing  
74 authority of any county or municipality is authorized to exercise  
75 the power of eminent domain at the request and on behalf of a  
76 separate public entity for the acquisition of land whenever public  
77 necessity and convenience so require for water, sewer, drainage  
78 and other public utility purposes.

79 SECTION 3. This act shall take effect and be in force from  
80 and after its passage.