To: Judiciary

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Senator(s) Johnson (19th)

SENATE BILL NO. 2458

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

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

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

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

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

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

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

(d) By the boards of supervisors of any county of this state for the acquisition of highway or road rights-of-way in connection with a state-aid project designated and approved in accordance with Sections 65-9-1 through 65-9-31, Mississippi Code of 1972;
(e) By the Mississippi Wayport Authority for the purposes of acquiring land and easements for the Southeastern United States Wayport Project as authorized by Sections 61-4-1 through 61-4-13, Mississippi Code of 1972;

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

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

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

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

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

17-1-3. Except as otherwise provided in Article VII of the Chickasaw Trail Economic Development Compact described in Section 57-36-1, for the purpose of promoting health, safety, morals, or the general welfare of the community, the governing authority of any municipality, and, with respect to the unincorporated part of any county, the governing authority of any county, in its discretion, are empowered to regulate the height, number of stories and size of building and other structures, the percentage of lot that may be occupied, the size of the yards, courts and
other open spaces, the density of population, and the location and
use of buildings, structures and land for trade, industry,
residence or other purposes, but no permits shall be required with
reference to land used for agricultural purposes, including
forestry activities as defined in Section 95-3-29(2)(c), or for
the erection, maintenance, repair or extension of farm buildings
or farm structures, including forestry buildings and structures,
outside the corporate limits of municipalities. The governing
authority of each county and municipality may create playgrounds
and public parks, and for these purposes, each of such governing
authorities shall possess the power, where requisite, of eminent
domain and the right to apply public money thereto, and may issue
bonds therefor as otherwise permitted by law. The governing
authority of any county or municipality is authorized to exercise
the power of eminent domain at the request and on behalf of a
separate public entity for the acquisition of land whenever public
necessity and convenience so require for water, sewer, drainage
and other public utility purposes.

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