An Act to Amend Sections 11-27-1 and 11-27-81, Mississippi Code of 1972, to Provide That Eminent Domain and Quick Take Proceedings May Only Be Exercised for Governmental Purposes and Title Shall Never Vest in a Private Entity or Person; and for Related Purposes.

Be it enacted by the Legislature of the State of Mississippi:

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

11-27-1. Any person or corporation having the right to condemn private property for public use shall exercise that right as provided in this chapter, except as elsewhere specifically provided under the laws of the State of Mississippi. The right of eminent domain may only be exercised for governmental purposes and title to property taken by eminent domain shall never vest in a private entity or person.

Section 2. Section 11-27-81, Mississippi Code of 1972, is amended as follows:

11-27-81. (1) 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);

(i) By the boards of supervisors of any county of this state for the purpose of constructing dams or low-water control structures on lakes or bodies of water under the provisions of Section 19-5-92; or

(j) By the board of supervisors of any county of this state for the purpose of acquiring land, property and/or rights-of-way for any project the board of supervisors, by a duly adopted resolution, determines to be related to a project as
defined in Section 57-75-5(f)(iv). The board of supervisors of a county may not exercise the right to immediate possession under this item (j) after July 1, 2003.

(2) The right of immediate possession pursuant to Sections 11-27-81 through 11-27-89 may only be exercised for governmental purposes and title so taken shall never vest in a private entity or person.

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