

By: Representative Chism

To: Judiciary A

HOUSE BILL NO. 294

1 AN ACT TO AMEND SECTIONS 11-27-1 AND 11-27-81, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT EMINENT DOMAIN AND QUICK TAKE
3 PROCEEDINGS MAY ONLY BE EXERCISED FOR GOVERNMENTAL PURPOSES AND
4 TITLE SHALL NEVER VEST IN A PRIVATE ENTITY OR PERSON; AND FOR
5 RELATED PURPOSES.

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

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

9 11-27-1. Any person or corporation having the right to
10 condemn private property for public use shall exercise that right
11 as provided in this chapter, except as elsewhere specifically
12 provided under the laws of the State of Mississippi. The right of
13 eminent domain may only be exercised for governmental purposes and
14 title to property taken by eminent domain shall never vest in a
15 private entity or person.

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

18 11-27-81. (1) The right of immediate possession pursuant to
19 Sections 11-27-81 through 11-27-89, Mississippi Code of 1972, may
20 be exercised only:

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

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

27 (c) By any county or municipality for the purpose of
28 acquiring rights-of-way for widening existing roads and streets of



29 such county or municipality; provided, however, that said
30 rights-of-way shall not displace a property owner from his
31 dwelling or place of business;

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

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

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

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

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

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

58 (j) By the board of supervisors of any county of this
59 state for the purpose of acquiring land, property and/or
60 rights-of-way for any project the board of supervisors, by a duly
61 adopted resolution, determines to be related to a project as



62 defined in Section 57-75-5(f)(iv). The board of supervisors of a
63 county may not exercise the right to immediate possession under
64 this item (j) after July 1, 2003.

65 (2) The right of immediate possession pursuant to Sections
66 11-27-81 through 11-27-89 may only be exercised for governmental
67 purposes and title so taken shall never vest in a private entity
68 or person.

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

