

By: Representative Simpson

To: Judiciary A

HOUSE BILL NO. 1264

1 AN ACT TO AMEND SECTION 11-27-81, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT DRAINAGE DISTRICTS SHALL HAVE THE RIGHT OF
3 IMMEDIATE POSSESSION, OR QUICK-TAKE AUTHORITY, FOR THE PURPOSE OF
4 ACQUIRING RIGHTS-OF-WAY OR EASEMENTS FOR WATER, SEWER, DRAINAGE
5 AND OTHER PUBLIC UTILITY PURPOSES RELATED TO THE DISTRICTS'
6 RESPONSIBILITIES; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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



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

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

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

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

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

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

57 (k) By any drainage district created under Chapter 29
58 of Title 51, Mississippi Code of 1972, for the purpose of
59 acquiring rights-of-way or easements for water, sewer, drainage,
60 and other public utility purposes which are related to the
61 district's responsibilities, provided that such acquisition shall



62 not displace a property owner from his dwelling or place of
63 business.

64 **SECTION 2.** This act shall take effect and be in force from
65 and after July 1, 2003.

