

By: Representative Watson

To: Municipalities;
Judiciary A

HOUSE BILL NO. 911

1 AN ACT TO AMEND SECTION 11-27-81, MISSISSIPPI CODE OF 1972,
2 TO ALLOW A CERTAIN MUNICIPALITY, COUNTY AND REDEVELOPMENT
3 AUTHORITY TO EXERCISE THE RIGHT OF IMMEDIATE POSSESSION; AND FOR
4 RELATED PURPOSES.

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

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

8 11-27-81. The right of immediate possession pursuant to
9 Sections 11-27-81 through 11-27-89, Mississippi Code of 1972, may
10 be exercised only:

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

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

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

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

27 (e) By the Mississippi Wayport Authority for the
28 purposes of acquiring land and easements for the Southeastern



29 United States Wayport Project as authorized by Sections 61-4-1
30 through 61-4-13, Mississippi Code of 1972;

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

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

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

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

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

55 (k) By a regional economic development alliance created
56 under Section 57-64-1 et seq., for the purpose of acquiring land,
57 property and/or rights-of-way within the project area and
58 necessary for any project such an alliance, by a duly adopted
59 resolution, determines to be related to a project as defined in



60 Section 57-75-5(f)(xxi). An alliance may not exercise the right
61 to immediate possession under this paragraph (k) after July 1,
62 2012; * * *

63 (l) By the board of supervisors of any county of this
64 state for the purpose of acquiring or clearing title to real
65 property, property and/or rights-of-way within the project site
66 and necessary for any project such board of supervisors, by a duly
67 adopted resolution, determines to be related to a project as
68 defined in Section 57-75-5(f)(xxii). A county may not exercise
69 the right to immediate possession under this paragraph (l) after
70 July 1, 2012; or

71 (m) By the board of supervisors of a county or the
72 governing authorities of a municipality wherein is located a
73 state-supported institution of higher learning and whose
74 population is at least one hundred thousand (100,000) nor more
75 than two hundred thousand (200,000) or a redevelopment authority
76 within such municipality created pursuant to Section 43-35-1, et
77 seq. The exercise of immediate possession may be used only for
78 acquiring private property within a three (3) mile radius of the
79 designated redevelopment area for the purpose of assisting the
80 development of work force housing, student housing, academic
81 facilities, community service facilities, retail facilities and
82 related improvements and purposes. The right to immediate
83 possession under this paragraph (m) shall not be exercised after
84 July 1, 2013.

85 **SECTION 2.** This act shall take effect and be in force from
86 and after its passage.

