

By: Representative Staples

To: Energy

HOUSE BILL NO. 791

1 AN ACT TO AMEND SECTION 11-27-47, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT OIL OR GAS PIPELINES BUILT, CONSTRUCTED OR
3 EXTENDED USING EMINENT DOMAIN MUST BE OPERATED AS COMMON CARRIERS;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 11-27-47, Mississippi Code of 1972, is
7 amended as follows:

8 11-27-47. (1) All companies, associations of persons,
9 municipalities, associations of municipalities, public utility
10 districts authorized by and under the laws of the State of
11 Mississippi, or natural gas districts, incorporated or organized
12 for the purpose of building or constructing pipelines and
13 appliances for the conveying and distribution of oil or gas,
14 including carbon dioxide or other gaseous substances for use in
15 connection with secondary or tertiary recovery projects located
16 within the State of Mississippi for the enhanced recovery of
17 liquid or gaseous hydrocarbons, or for the purpose of
18 constructing, maintaining and operating lines for transmitting
19 electricity for lighting, heating and power purposes, or for the



20 purpose of constructing, maintaining and operating lines and
21 appliances, for storing, transmitting and distributing water and
22 for transmitting, treating and disposing of sewage, are * * *
23 empowered to exercise the right of eminent domain in the manner
24 now provided by law, subject to the provision of subsection (2) of
25 this section, and to build and construct the * * * pipelines and
26 appliances along or across highways, waters, railroads, canals and
27 public lands, above or below ground, but not in a manner to be
28 dangerous to persons or property, nor to interfere with the common
29 use of such roads, waters, railroads, canals and public lands.

30 (2) (a) Any existing pipeline or appliance for the
31 conveying and distribution of oil or gas, including carbon dioxide
32 or other gaseous substances for use in connection with secondary
33 or tertiary recovery products located within the State of
34 Mississippi for the enhanced recovery of liquid or gaseous
35 hydrocarbons, that was built, constructed or extended using the
36 power of eminent domain, including threat of such, must be
37 operated as a common carrier, as a condition of having exercised
38 the power of eminent domain, including threat of such.

39 (b) If an entity intends to build or construct a new
40 pipeline or appliance or extend an existing pipeline or appliance
41 on or after July 1, 2019, for the conveying and distribution of
42 oil or gas, including carbon dioxide or other gaseous substances
43 for use in connection with secondary or tertiary recovery projects
44 located within the State of Mississippi for the enhanced recovery



45 of liquid or gaseous hydrocarbons, the entity must first make a
46 declaration on a form developed by the State Oil and Gas Board
47 declaring whether the entity desires to exercise the power of
48 eminent domain to build, construct or extend the pipeline or
49 appliance. The form shall state that if the entity exercises the
50 power of eminent domain to build, construct or extend the pipeline
51 or appliance, the entity must operate the pipeline or appliance
52 for which eminent domain was exercised to build, construct or
53 extend as a common carrier, as a condition of exercising the power
54 of eminent domain.

55 (c) No entity that is subject to this subsection may
56 exercise the power of eminent domain to build, construct or extend
57 a pipeline or appliance until the entity has made the required
58 declaration on the form, and any entity that exercises the power
59 of eminent domain to build, construct or extend a pipeline or
60 appliance must operate the pipeline or appliance for which eminent
61 domain was exercised to build, construct or extend as a common
62 carrier.

63 (3) The board of supervisors of any county through which any
64 such line may pass shall have the power to regulate, within its
65 respective limits, the manner in which such lines and appliances
66 shall be constructed and maintained on and above the highways and
67 bridges of the county. All such companies, associations of
68 persons, municipalities, associations of municipalities, public
69 utility districts authorized by and under the laws of the State of



70 Mississippi or natural gas districts shall be responsible in
71 damages for any injury caused by such construction or use thereof.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2019.

