

By: Representatives White, Miles

To: Rules

HOUSE BILL NO. 1769

1 AN ACT TO CODIFY ARTICLE 3, SECTION 17A OF THIS MISSISSIPPI
 2 CONSTITUTION IN THE MISSISSIPPI CODE OF 1972; TO PROVIDE THAT NO
 3 PROPERTY ACQUIRED BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN
 4 UNDER THE LAWS OF THE STATE OF MISSISSIPPI SHALL, FOR A PERIOD OF
 5 TEN YEARS AFTER ITS ACQUISITION, BE TRANSFERRED OR ANY INTEREST
 6 THEREIN TRANSFERRED TO ANY PERSON, NONGOVERNMENTAL ENTITY,
 7 PUBLIC-PRIVATE PARTNERSHIP, CORPORATION, OR OTHER BUSINESS ENTITY;
 8 TO PROVIDE CERTAIN EXCEPTIONS; AND OTHER LIMITED CONDITIONS; AND
 9 FOR RELATED PURPOSES.

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

11 **SECTION 1.** No property acquired by the exercise of the power
 12 of eminent domain under the laws of the State of Mississippi
 13 shall, for a period of ten (10) years after its acquisition, be
 14 transferred or any interest therein transferred to any person,
 15 nongovernmental entity, public-private partnership, corporation,
 16 or other business entity with the following exceptions:

17 (a) The above provisions shall not apply to drainage
 18 and levee facilities and usage, roads and bridges for public
 19 conveyance, flood control projects with a levee component,
 20 seawalls, dams, toll roads, public airports, public ports, public
 21 harbors, public wayports, common carriers or facilities for public



22 utilities and other entities used in the generation, transmission,
23 storage or distribution of telephone, telecommunication, gas
24 carbon dioxide, electricity, water, sewer, natural gas, liquid
25 hydrocarbons or other utility products.

26 (b) The above provisions shall not apply where the use
27 of eminent domain (i) removes a public nuisance; (ii) removes a
28 structure that is beyond repair or unfit for human habitation or
29 use; (iii) is used to acquire abandoned property; or (iv)
30 eliminates a direct threat to public health or safety caused by
31 the property in its current condition.

32 **SECTION 2.** Section 1 of this act shall be codified in
33 Chapter 27, Title 11, Mississippi Code of 1972.

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

