

By: Senator(s) Sojourner

To: Judiciary, Division A

SENATE BILL NO. 2621

1 AN ACT TO CODIFY ARTICLE 3, SECTION 17A, OF THE 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, NON-GOVERNMENTAL ENTITY,
 7 PUBLIC-PRIVATE PARTNERSHIP, CORPORATION, OR OTHER BUSINESS ENTITY;
 8 TO PROVIDE CERTAIN EXCEPTIONS; AND FOR RELATED PURPOSES.

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

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

16 (2) Subsection (1) of this section shall not apply to
 17 drainage and levee facilities and usage, roads and bridges for
 18 public conveyance, flood control projects with a levee component,
 19 seawalls, dams, toll roads, public airports, public ports, public
 20 harbors, public wayports, common carriers or facilities for public
 21 utilities and other entities used in the generation, transmission,



22 storage or distribution of telephone, telecommunication, gas,
23 carbon dioxide, electricity, water, sewer, natural gas, liquid
24 hydrocarbons or other utility products.

25 (3) Subsection (1) of this section shall not apply where the
26 use of eminent domain:

27 (a) Removes a public nuisance;

28 (b) Removes a structure that is beyond repair or unfit
29 for human habitation or use;

30 (c) Is used to acquire abandoned property; or

31 (d) Eliminates a direct threat to public health or
32 safety caused by the property in its current condition.

33 **SECTION 2.** This act shall take effect and be in force from
34 and after the date that any provision of Section 17A, Mississippi
35 Constitution of 1890, is ever declared unconstitutional or its
36 enforcement temporarily or permanently restricted or enjoined by
37 judicial order. However, if a temporary or permanent restraining
38 order or injunction is subsequently stayed, dissolved, vacated or
39 otherwise ceases to have effect, enforcement under this act shall
40 stand suspended and enforcement of the rights enumerated in this
41 act shall defer to Section 17A, Mississippi Constitution of 1890.

