

By: Senator(s) McCaughn, Hopson, DeBar, Blackwell, McMahan, Parker, Branning, England, Suber, Tate, McLendon, DeLano, Boyd, Sparks, Hickman, Younger, Whaley, Seymour, Simmons (12th), Chassaniol, Caughman, Jackson (11th), Hill, Wiggins, Polk, Turner-Ford, Barnett, Barrett, Fillingane, Johnson, Harkins

To: Agriculture

SENATE BILL NO. 3212

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, NONGOVERNMENTAL 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 (10) years after its acquisition, be  
13 transferred or any interest therein transferred to any person,  
14 nongovernmental 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 its passage.

