

By: Senator(s) Michel, Bryan, Blackmon

To: Judiciary, Division A

SENATE BILL NO. 2776

1 AN ACT TO AMEND SECTION 11-27-81, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE CERTAIN PUBLIC AGENCIES TO EXERCISE THE RIGHT TO
 3 IMMEDIATE POSSESSION OF EASEMENTS OR RIGHTS-OF-WAY FOR PUBLIC
 4 HIGHWAYS AND ROADS, AND FOR WATER UTILITIES, SEWER UTILITIES,
 5 DRAINAGE UTILITIES AND OTHER PUBLIC UTILITY PURPOSES IN CONNECTION
 6 WITH A PROJECT DEFINED IN SECTION 57-75-5(f) (xxxiii); AND FOR
 7 RELATED PURPOSES.

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

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

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

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

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



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

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

30 (e) By any county, municipality or county utility
31 authority created under the Mississippi Gulf Region Utility Act,
32 Section 49-17-701 et seq., for the purpose of acquiring
33 rights-of-way for water, sewer, drainage and other public utility
34 purposes; provided, however, that such acquisition shall not
35 displace a property owner from his dwelling or place of business.
36 A county utility authority should prioritize utilizing easements
37 within ten (10) feet of an existing right-of-way when economically
38 feasible. A county utility authority may not exercise the right
39 to immediate possession under this paragraph after July 1, 2013.
40 Provisions of this paragraph (e) shall not apply to House District
41 109;

42 (f) By any county authorized to exercise the power of
43 eminent domain under Section 19-7-41 for the purpose of acquiring



44 land for construction of a federal correctional facility or other
45 federal penal institution;

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

50 (h) By the boards of supervisors of any county of this
51 state for the purpose of constructing dams or low-water control
52 structures on lakes or bodies of water under the provisions of
53 Section 19-5-92;

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

61 (j) By a regional economic development alliance created
62 under Section 57-64-1 et seq., for the purpose of acquiring land,
63 property and/or rights-of-way within the project area and
64 necessary for any project such an alliance, by a duly adopted
65 resolution, determines to be related to a project as defined in
66 Section 57-75-5(f)(xxi). An alliance may not exercise the right
67 to immediate possession under this paragraph (j) after July 1,
68 2012; * * *



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

77 (1) By any public agency, as defined in Section
78 57-75-37(7)(a)(ii), for the purpose of acquiring land, property or
79 interests therein, including, but not limited to, easements or
80 rights-of-way for public highways and roads, and for public water
81 utilities, public wastewater and wastewater treatment utilities,
82 public drainage utilities and other public utility purposes in
83 connection with a project defined in Section 57-75-5(f)(xxxiii).

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

