

By: Representative Banks

To: Judiciary A

HOUSE BILL NO. 1250

1 AN ACT TO AMEND SECTIONS 11-27-1 AND 11-27-81, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT EMINENT DOMAIN AND QUICK TAKE
3 PROCEEDINGS MAY ONLY BE EXERCISED FOR CERTAIN PURPOSES; AND FOR
4 RELATED PURPOSES.

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

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

8 11-27-1. Any person or corporation having the right to
9 condemn private property for public use shall exercise that right
10 as provided in this chapter, except as elsewhere specifically
11 provided under the laws of the State of Mississippi. The right of
12 eminent domain may only be exercised for the construction of
13 public roads or for the construction of roads, buildings or other
14 infrastructure for the state, political subdivisions of the state,
15 public schools, public institutions of higher learning or public
16 community or junior colleges.

17 **SECTION 2.** Section 11-27-81, Mississippi Code of 1972, is
18 amended as follows:

19 11-27-81. (1) The right of immediate possession pursuant to
20 Sections 11-27-81 through 11-27-89, Mississippi Code of 1972, may
21 be exercised only:

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

24 (b) By any county or municipality for the purpose of
25 acquiring rights-of-way to connect existing roads and streets to
26 highways constructed or to be constructed by the State Highway
27 Commission;



28 (c) By any county or municipality for the purpose of
29 acquiring rights-of-way for widening existing roads and streets of
30 such county or municipality; provided, however, that said
31 rights-of-way shall not displace a property owner from his
32 dwelling or place of business;

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

38 (e) By the Mississippi Wayport Authority for the
39 purposes of acquiring land and easements for the Southeastern
40 United States Wayport Project as authorized by Sections 61-4-1
41 through 61-4-13, Mississippi Code of 1972;

42 (f) By any county or municipality for the purpose of
43 acquiring rights-of-way for water, sewer, drainage and other
44 public utility purposes; provided, however, that such acquisition
45 shall not displace a property owner from his dwelling or place of
46 business;

47 (g) By any county authorized to exercise the power of
48 eminent domain under Section 19-7-41 for the purpose of acquiring
49 land for construction of a federal correctional facility or other
50 federal penal institution;

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

55 (i) By the boards of supervisors of any county of this
56 state for the purpose of constructing dams or low-water control
57 structures on lakes or bodies of water under the provisions of
58 Section 19-5-92; or

59 (j) By the board of supervisors of any county of this
60 state for the purpose of acquiring land, property and/or



61 rights-of-way for any project the board of supervisors, by a duly
62 adopted resolution, determines to be related to a project as
63 defined in Section 57-75-5(f)(iv). The board of supervisors of a
64 county may not exercise the right to immediate possession under
65 this item (j) after July 1, 2003.

66 (2) The right of immediate possession pursuant to sections
67 11-27-81 through 11-27-89 may only be exercised for the following
68 purposes:

69 (a) The construction of public roads;

70 (b) The construction of roads, buildings or other
71 infrastructure for the state, political subdivisions of the state,
72 public schools, public institutions of higher learning or public
73 community or junior colleges.

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

