

By: Representative Perry

To: Municipalities

HOUSE BILL NO. 1447

1 AN ACT TO AMEND SECTION 61-3-3, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE IN THE DEFINITION OF "MUNICIPAL AIRPORT AUTHORITY" ANY
3 STATE SUPPORTED INSTITUTION OF HIGHER LEARNING; TO BRING FORWARD
4 SECTION 61-3-5, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE
5 CREATION OF MUNICIPAL AIRPORT AUTHORITIES; TO AMEND SECTION
6 61-3-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE TWO OR MORE
7 MUNICIPALITIES AND ANY STATE SUPPORTED INSTITUTION OF HIGHER
8 LEARNING TO CREATE A REGIONAL AIRPORT AUTHORITY; AND FOR RELATED
9 PURPOSES.

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

11 SECTION 1. Section 61-3-3, Mississippi Code of 1972, is
12 amended as follows:

13 61-3-3. The following words or terms, whenever used or
14 referred to in this chapter, shall have the following respective
15 meanings unless different meanings clearly appear from the
16 context:

17 (a) "Municipality" * * * means any county, supervisors
18 district or supervisors districts, or all that portion of the
19 county lying outside the territorial boundaries of any named city,
20 town or village, and a city, town and village of this state or any
21 state-supported institution of higher learning.

22 (b) "Municipal airport authority" or "municipal
23 authority" * * * means a municipal airport authority created
24 pursuant to the provisions of Section 61-3-5.

25 (c) "Regional airport authority" or "regional
26 authority" * * * means a regional airport authority created
27 pursuant to the provisions of Section 61-3-7.

28 (d) "Airport authority" or "authority" * * * means any
29 regional airport authority or municipal airport authority created

30 pursuant to the provisions of this chapter.

31 (e) "Governing body" * * * means the official or
32 officials authorized by law to exercise ordinance or other
33 lawmaking powers of a municipality.

34 (f) "Clerk" * * * means the custodian of the official
35 records of a municipality.

36 (g) "Bonds" * * * means any bonds, notes, interim
37 certificates, debentures, or similar obligations issued by an
38 authority pursuant to this chapter.

39 (h) "Airport" * * * means any area of land or water
40 which is used, or intended for use, for the landing and takeoff of
41 aircraft, and any appurtenant areas which are used, or intended
42 for use, for airport buildings or other airport facilities or
43 rights-of-way, together with all airport buildings and facilities
44 located thereon.

45 (i) "Air navigation facility" * * * means any facility
46 other than one owned and operated by the United States, used in,
47 available for use in, or designed for use in aid of air
48 navigation, including any structures, mechanisms, lights, beacons,
49 markers, communicating systems, or other instrumentalities, or
50 devices used or useful as an aid, or constituting an advantage or
51 convenience, to the safe taking off, navigation and landing of
52 aircraft, or the safe and efficient operation or maintenance of an
53 airport, and any combination of any or all of such facilities.

54 (j) "Airport hazard" * * * means any structure, object
55 or natural growth, or use of land which obstructs the airspace
56 required for the flight of aircraft in landing or taking off at an
57 airport, or is otherwise hazardous to such landing or taking off
58 of aircraft.

59 (k) "Person" means any individual, firm, partnership,
60 corporation, company, association, joint stock association or body
61 politic, and includes any trustee, receiver, assignee or other
62 similar representative thereof.

63 (1) "Local government" means any local governmental
64 unit as defined in Section 17-13-5.

65 SECTION 2. Section 61-3-5, Mississippi Code of 1972, is
66 brought forward as follows:

67 61-3-5. Any municipality may, by resolution, create a public
68 body, corporate and politic, to be known as a municipal airport
69 authority, which shall be authorized to exercise its functions
70 upon the appointment and qualification of the first commissioners
71 thereof. Upon the adoption of a resolution creating a municipal
72 airport authority, the governing body of the municipality shall,
73 pursuant to the resolution, appoint five (5) persons as
74 commissioners of the authority. The commissioners who are first
75 appointed shall be designated to serve for terms of one (1), two
76 (2), three (3), four (4) and five (5) years, respectively.
77 Thereafter, each commissioner shall be appointed for a term of
78 five (5) years, except that vacancies occurring otherwise than by
79 the expiration of term shall be filled for the unexpired term in
80 the same manner as the original appointments.

81 SECTION 3. Section 61-3-7, Mississippi Code of 1972, is
82 amended as follows:

83 61-3-7. (1) Two (2) or more municipalities or two (2) or
84 more municipalities and any state-supported institution of higher
85 learning may, by resolution of each, create a public body,
86 corporate and politic, to be known as a regional airport authority
87 which shall be authorized to exercise its functions upon the
88 issuance by the Secretary of State of a certificate of
89 incorporation. The governing body of each municipality or
90 institution of higher learning shall, pursuant to its resolution,
91 appoint one (1) person as a commissioner of the authority.
92 However, that if the regional airport authority consists of an
93 even number of participants, which include two (2) or more
94 municipalities or two (2) or more municipalities and a state
95 institution of higher learning, an additional commissioner shall

96 be appointed by the Governor. Such additional commissioner shall
97 be a resident of a county other than the counties of the
98 participating municipalities but contiguous to at least one (1) of
99 such counties.

100 (2) A regional airport authority may be increased from time
101 to time to serve one or more additional municipalities if each
102 additional municipality and each of the municipalities and the
103 institution of higher learning then included in the regional
104 authority and the commissioners of the regional authority,
105 respectively, adopt a resolution consenting thereto. If a
106 municipal airport authority for any municipality seeking to be
107 included in the regional authority is then in existence, the
108 commissioners of the municipal authority shall consent to the
109 inclusion of the municipality or institution of higher learning in
110 the regional authority, and if the municipal authority has any
111 bonds outstanding, unless the holders of fifty-one percent (51%)
112 or more in amount of the bonds consent, in writing, to the
113 inclusion of the municipality in the regional authority, no such
114 inclusion shall be effected. Upon the inclusion of any
115 municipality or institution of higher learning in the regional
116 authority, all rights, contracts, obligations and property, real
117 and personal, of the municipal authority shall be in the name of
118 and vest in the regional authority.

119 (3) A regional airport authority may be decreased if each of
120 the municipalities and the institution of higher learning then
121 included in the regional authority and the commissioners of the
122 regional authority consent to the decrease and make provision for
123 the retention or disposition of its assets and liabilities.
124 However, if the regional authority has any bonds outstanding, no
125 decrease shall be effected unless seventy-five percent (75%) or
126 more of the holders of the bonds consent thereto in writing.

127 (4) A municipality or institution of higher learning shall
128 not adopt any resolution authorized by this section without a

129 public hearing thereon. Notice thereof shall be given at least
130 ten (10) days prior thereto in a newspaper published in the
131 municipality at the institution of higher learning, or if there is
132 no newspaper published therein, then in a newspaper having general
133 circulation in the municipality or institution of higher learning.

134 (5) At the expiration of the term of all commissioners
135 serving as of January 1, 1978, the airport authority shall effect
136 staggered terms by the drawing of lots and reporting thereon to
137 appointing authorities. The commissioners shall be designated to
138 serve for terms of one (1) year, two (2) years, three (3) years,
139 four (4) years and so forth depending upon the number of
140 participating appointing authorities. Thereafter, each
141 commissioner shall be appointed for a term of five (5) years
142 except that vacancies occurring otherwise than by expiration of
143 terms shall be filled for the unexpired term in the same manner as
144 the original appointment.

145 SECTION 4. This act shall take effect and be in force from
146 and after July 1, 1999.