

By: Representative Perry

To: Municipalities

HOUSE BILL NO. 1447
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 61-3-3, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE IN THE DEFINITION OF "MUNICIPALITY" ANY STATE-SUPPORTED
3 INSTITUTION OF HIGHER LEARNING OR ANY PUBLIC COMMUNITY OR JUNIOR
4 COLLEGE; TO AMEND SECTION 61-3-5, MISSISSIPPI CODE OF 1972, TO
5 AUTHORIZE ANY STATE INSTITUTION OF HIGHER LEARNING OR ANY PUBLIC
6 COMMUNITY OR JUNIOR COLLEGE TO CREATE A MUNICIPAL AIRPORT
7 AUTHORITY; TO AMEND SECTION 61-3-7, MISSISSIPPI CODE OF 1972, TO
8 AUTHORIZE TWO OR MORE MUNICIPALITIES AND ANY STATE-SUPPORTED
9 INSTITUTION OF HIGHER LEARNING OR ANY PUBLIC COMMUNITY OR JUNIOR
10 COLLEGE TO CREATE A REGIONAL AIRPORT AUTHORITY; AND FOR RELATED
11 PURPOSES.

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

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

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

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

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

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

31 (d) "Airport authority" or "authority" * * * means any
32 regional airport authority or municipal airport authority created
33 pursuant to the provisions of this chapter.

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

37 (f) "Clerk" * * * means the custodian of the official
38 records of a municipality.

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

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

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

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

62 (k) "Person" means any individual, firm, partnership,
63 corporation, company, association, joint stock association or body

64 politic, and includes any trustee, receiver, assignee or other
65 similar representative thereof.

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

68 SECTION 2. Section 61-3-5, Mississippi Code of 1972, is
69 amended as follows:

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

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

89 61-3-7. (1) Two (2) or more municipalities or two (2) or
90 more municipalities and any state-supported institution of higher
91 learning or a public community or junior college, by resolution of
92 each, may create a public body, corporate and politic, to be known
93 as a regional airport authority which shall be authorized to
94 exercise its functions upon the issuance by the Secretary of State
95 of a certificate of incorporation. The governing body of each
96 municipality, the institution of higher learning or the public

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98 community or junior college, pursuant to its resolution, shall
99 appoint one (1) person as a commissioner of the authority.

100 However, that if the regional airport authority consists of an
101 even number of participants, which include two (2) or more
102 municipalities or two (2) or more municipalities and a state
103 institution of higher learning or a public community or junior
104 college, an additional commissioner shall be appointed by the
105 Governor. Such additional commissioner shall be a resident of a
106 county other than the counties of the participating municipalities
107 but contiguous to at least one (1) of such counties.

108 (2) A regional airport authority may be increased from time
109 to time to serve one or more additional municipalities if each
110 additional municipality and each of the municipalities and the
111 institution of higher learning or the public community or junior
112 college then included in the regional authority and the
113 commissioners of the regional authority, respectively, adopt a
114 resolution consenting thereto. If a municipal airport authority
115 for any municipality seeking to be included in the regional
116 authority is then in existence, the commissioners of the municipal
117 authority shall consent to the inclusion of the municipality,
118 institution of higher learning or the public community or junior
119 college in the regional authority, and if the municipal authority
120 has any bonds outstanding, unless the holders of fifty-one percent
121 (51%) or more in amount of the bonds consent, in writing, to the
122 inclusion of the municipality in the regional authority, no such
123 inclusion shall be effected. Upon the inclusion of any
124 municipality, institution of higher learning or the public
125 community or junior college in the regional authority, all rights,
126 contracts, obligations and property, real and personal, of the
127 municipal authority shall be in the name of and vest in the
128 regional authority.

129 (3) A regional airport authority may be decreased if each of

130 the municipalities and the institution of higher learning or the
131 public community or junior college then included in the regional
132 authority and the commissioners of the regional authority consent
133 to the decrease and make provision for the retention or
134 disposition of its assets and liabilities. However, if the
135 regional authority has any bonds outstanding, no decrease shall be
136 effected unless seventy-five percent (75%) or more of the holders
137 of the bonds consent thereto in writing.

138 (4) A municipality, institution of higher learning or public
139 community or junior college shall not adopt any resolution
140 authorized by this section without a public hearing thereon.
141 Notice thereof shall be given at least ten (10) days before the
142 hearing in a newspaper published in the municipality, in the
143 institution of higher learning or in the public community or
144 junior college, or if there is no newspaper published therein,
145 then in a newspaper having general circulation in the
146 municipality, in the institution of higher learning or in the
147 public community or junior college.

148 (5) At the expiration of the term of all commissioners
149 serving as of January 1, 1978, the airport authority shall effect
150 staggered terms by the drawing of lots and reporting thereon to
151 appointing authorities. The commissioners shall be designated to
152 serve for terms of one (1) year, two (2) years, three (3) years,
153 four (4) years and so forth depending upon the number of
154 participating appointing authorities. Thereafter, each
155 commissioner shall be appointed for a term of five (5) years
156 except that vacancies occurring otherwise than by expiration of
157 terms shall be filled for the unexpired term in the same manner as
158 the original appointment.

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