

By: Senator(s) Robertson

To: Ports and Marine Resources

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2690

1 AN ACT TO AMEND SECTION 59-9-15, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE A COUNTY PORT COMMISSION TO ENTER INTO JOINT VENTURE  
3 WITH PRIVATE ENTITIES OR OTHER COUNTY PORT COMMISSIONS TO  
4 CONSTRUCT AND OPERATE PORT FACILITIES; TO AMEND SECTION 59-1-9,  
5 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 59-9-15, Mississippi Code of 1972, is  
8 amended as follows:

9 59-9-15. The duties and powers of a county port authority or  
10 county development commission shall be the same, as to matters  
11 within their jurisdiction, as those set forth and prescribed by  
12 law, and as the same may be amended from time to time, relating to  
13 the duties and powers of a municipal port commission. The board  
14 of supervisors, on recommendation of the county port authority or  
15 county development commission, may appoint a county port director.  
16 The salary of the county port director shall be subject to the  
17 approval of the board of supervisors of such county, and the  
18 county port director so appointed may be the port director  
19 employed by the port commission of the municipality, in which case  
20 the board of supervisors of such county and the governing  
21 authorities of the municipality may jointly agree on pro rata  
22 payments toward the salary and expenses of such port director.  
23 The members of such county port authority or county development  
24 commission and the county port director shall be public officers  
25 within the meaning and the intent of Section 97-11-19, Mississippi  
26 Code of 1972. The clerk of the board of supervisors of any county  
27 which has appointed a county port authority or county development  
28 commission is authorized to employ such additional clerical



29 assistance as may be necessary or required in view of the  
30 additional duties imposed upon the board by this chapter, but no  
31 employee shall receive a salary of more than Thirty-six Hundred  
32 Dollars (\$3600.00) per annum.

33 In addition to the general powers and duties of a county port  
34 commission or county development commission, a county port  
35 commission or development commission may enter into joint ventures  
36 or community alliances with private entities or other county port  
37 commissions or county development commissions to construct and  
38 operate port facilities.

39 SECTION 2. Section 59-1-9, Mississippi Code of 1972, is  
40 amended as follows:

41 59-1-9. It shall be the duty of the commission to keep a  
42 minute book in which shall be recorded all of their acts, orders,  
43 rules and regulations. It shall be the duty of said commission to  
44 adopt rules and regulations not inconsistent with law to govern  
45 their official acts. The commissioners are hereby empowered and  
46 authorized to act as port wardens and pilot commissioners, and to  
47 perform any and all duties pertaining to such within their  
48 respective municipalities. It shall be the duty of the commission  
49 to make and publish all needful rules and regulations to govern  
50 the harbor, docks and passes within their respective  
51 jurisdictions, and to fix and prescribe tariffs, fees, fines,  
52 penalties and forfeitures for the violations of the rules and  
53 regulations of said commission, and said commission shall have the  
54 power to fix and determine all port and terminal charges, and they  
55 may enforce the collection thereof through any court of competent  
56 jurisdiction in this state. This section shall not apply to  
57 public utilities nor to railroad terminal charges covered by or  
58 carried in approved tariffs authorized by the Interstate Commerce  
59 Commission nor to lawful railroad operation and activities.

60 It shall be the duty of the port commissioners within their  
61 respective jurisdictions to see that all port positions, such as



62 harbormaster, pilots, boatmen, stevedores, surveyors, watchmen,  
63 police, ship chandlers, ship agents and such other persons  
64 performing services for the public shipping, carry out their  
65 duties in a manner that is not detrimental to the port and shall  
66 not be unduly burdensome to the public shipping.

67       It shall be the duty of the commissioners to appoint annually  
68 a sufficient number of pilots, and all agents and factors  
69 necessary for the protection of the harbor and the advancement of  
70 public shipping, except that pilots shall be appointed for a term  
71 of four (4) years, and before any person shall be appointed a  
72 pilot, harbormaster, boatman, stevedore, surveyor, watchman,  
73 police, ship chandler or ship agent, his qualifications for the  
74 same shall be passed upon by said port commissioners. After  
75 satisfying themselves that any applicant for the position of  
76 pilot, harbormaster, boatman, stevedore, surveyor, watchman,  
77 police, ship chandler or ship agent is competent and well  
78 qualified to perform the duties of such position and his services  
79 are required for the protection of the harbor and the advancement  
80 of public shipping, the port commissioners shall issue a license  
81 to such applicant, provided and upon condition that such applicant  
82 shall enter into a good and sufficient bond in an amount in each  
83 case to be determined by the commissioners, the bond to be entered  
84 into not to exceed the sum of Five Thousand Dollars (\$5,000.00),  
85 said bond to be payable to the city of the port of entry,  
86 conditioned according to law for the faithful performance of his  
87 duties, and in case of breach thereof, suit may be brought thereon  
88 in the name of the city for the benefit of said port  
89 commissioners. The port commissioners shall have the right to  
90 revoke any such license for neglect of duty, incompetency,  
91 inefficiency, physical disability or for any act or acts  
92 detrimental to the interests of the port. Additional pilots may  
93 be examined and licensed when in the opinion of said port



94 commissioners the services of same are required for the protection  
95 of the harbor and the advancement of public shipping.

96 In addition to the general powers and duties of a port  
97 commission, a port commission may enter into joint ventures or  
98 community alliances with private entities or other port  
99 commissions or development commissions to construct and operate  
100 port facilities.

101 SECTION 3. This act shall take effect and be in force from  
102 and after July 1, 2001.

