

By: Senator(s) Robertson

To: Ports and Marine Resources

SENATE BILL NO. 2690
(As Passed the Senate)

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 any facilities under the jurisdiction of such commissions.

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 any facilities under the jurisdiction of such commissions.

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