To: Ports and Marine Resources

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2001
By: Senator(s) Robertson

SENATE BILL NO. 2690
(As Passed the Senate)

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

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

59-9-15. The duties and powers of a county port authority or county development commission shall be the same, as to matters within their jurisdiction, as those set forth and prescribed by law, and as the same may be amended from time to time, relating to the duties and powers of a municipal port commission. The board of supervisors, on recommendation of the county port authority or county development commission, may appoint a county port director. The salary of the county port director shall be subject to the approval of the board of supervisors of such county, and the county port director so appointed may be the port director employed by the port commission of the municipality, in which case the board of supervisors of such county and the governing authorities of the municipality may jointly agree on pro rata payments toward the salary and expenses of such port director. The members of such county port authority or county development commission and the county port director shall be public officers within the meaning and the intent of Section 97-11-19, Mississippi Code of 1972. The clerk of the board of supervisors of any county which has appointed a county port authority or county development commission is authorized to employ such additional clerical...
assistance as may be necessary or required in view of the
additional duties imposed upon the board by this chapter, but no
employee shall receive a salary of more than Thirty-six Hundred
Dollars ($3600.00) per annum.

In addition to the general powers and duties of a county port
commission or county development commission, a county port
commission or development commission may enter into joint ventures
or community alliances with private entities or other county port
commissions or county development commissions to construct and
operate any facilities under the jurisdiction of such commissions.

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

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

It shall be the duty of the port commissioners within their
respective jurisdictions to see that all port positions, such as
harbormaster, pilots, boatmen, stevedores, surveyors, watchmen,
police, ship chandlers, ship agents and such other persons
performing services for the public shipping, carry out their
duties in a manner that is not detrimental to the port and shall
not be unduly burdensome to the public shipping.

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

In addition to the general powers and duties of a port
commission, a port commission may enter into joint ventures or
community alliances with private entities or other port
commissions or development commissions to construct and operate
any facilities under the jurisdiction of such commissions.

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