

By: Representatives Janus, Bentz, Patterson

To: Ports, Harbors and
Airports

HOUSE BILL NO. 1268

1 AN ACT TO AMEND SECTIONS 59-7-405 AND 59-7-407, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT A MUNICIPAL PORT COMMISSION MAY BE
3 DISSOLVED AND THE MUNICIPALITY ASSUME SUCH DUTIES; TO CREATE A NEW
4 SECTION TO BE CODIFIED AS SECTION 59-7-408, MISSISSIPPI CODE OF
5 1972, TO PROVIDE A PROCEDURE AND REQUIREMENTS FOR THE DISSOLUTION
6 OF A MUNICIPAL PORT COMMISSION; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 59-7-405, Mississippi Code of 1972, is
9 amended as follows:

10 59-7-405. (1) (a) The governing authorities of any
11 municipality in which there is situated and located, in whole or
12 in part, a port or harbor through which commerce flows, and having
13 not less than eight (8) industries engaged in the seafood
14 industry, which maintains a channel and/or harbor to a depth of
15 not less than eight (8) feet, may engage in, either directly or
16 through the commission hereinafter provided and designated, and
17 such other agencies as hereafter may be provided by law, works of
18 internal improvement, or promoting, developing, constructing,
19 maintaining and operating harbors or seaports within the state and
20 its jurisdiction, and either directly or through the commission
21 hereinafter provided for, with the power and authority to acquire,
22 purchase, install, rent, lease, mortgage and/or otherwise
23 encumber, to construct, own, hold, maintain, equip, use, control
24 and operate at seaports or harbors, wharves, piers, docks,
25 warehouses, cold storage facilities, water and rail terminals,
26 airplane landing fields and strips, and other structures and
27 facilities, needful for the convenient use of the same in the aid
28 of commerce and navigation, and including the dredging of channels
29 and approaches to the facilities, and being authorized to fill in

30 and reclaim bottomlands where incidental and necessary to the
31 foregoing development.

32 (b) A municipality, which is operating a port through a
33 port commission under this section, may dissolve the port
34 commission as provided in Section 59-7-408 and directly operate
35 and maintain the port as provided under this article.

36 (2) The municipal authorities or commission, in connection
37 with the exercise of the foregoing works of improvement and
38 development, may as an adjunct to any such work of improvement or
39 development to erect or construct such bridges, causeways or
40 structures as may be required for access to and from the harbors
41 or facilities provided as aforesaid by the municipal authorities
42 or the commission, and including any necessary bridge or causeway
43 or combination of the same, connecting with any island or islands
44 lying within three (3) leagues of the main shoreline of the
45 Mississippi Sound or the Gulf of Mexico, and whether the same be
46 within or without the limits of the municipality concerned.

47 (3) The municipal authorities or commission may procure, by
48 gift, grant, purchase, or by the exercise of eminent domain, and
49 for the public purposes and uses herein provided for, such land or
50 interest therein as may be required for the purposes of this
51 article, and regardless of whether the land be within or without
52 the limits of the municipality involved.

53 (4) The municipal authorities or commission * * *, in the
54 exercise of the powers granted hereunder, may provide any of the
55 aforesaid facilities alone or in collaboration and in conjunction
56 with any other public bodies, entities or commissions, as may now
57 or hereafter be established by law.

58 (5) The municipal authorities or commission may provide,
59 among other harbor facilities, small craft and pleasure craft
60 harbors and facilities needed therefor, including park and
61 recreational facilities as an adjunct thereto, and in order to
62 develop and promote tourist and recreational trade in the port.

63 (6) The municipal authorities or commission * * * have
64 the * * * power and authority to carry out the provisions of this
65 article, to employ engineers, attorneys, and such employees as may
66 be necessary in carrying out the provisions of this article, from
67 time to time, and for the purpose of operating the facilities
68 herein provided for, and may prescribe reasonable compensation in
69 connection with such employment.

70 **SECTION 2.** Section 59-7-407, Mississippi Code of 1972, is
71 amended as follows:

72 59-7-407. A port commission created under this article shall
73 consist of six (6) members who shall be qualified electors of the
74 municipality operating under this article, and shall be appointed
75 as follows: two (2) shall be appointed by the Governor, two (2)
76 shall be appointed by the governing authorities of the
77 municipality, and two (2) shall be appointed by the board of
78 supervisors of the county. The commission shall have jurisdiction
79 over the port, terminals, harbors and passes leading thereto, and
80 all vessels, boats and wharves, common carriers and public
81 utilities using the port. Commissioners shall be paid the uniform
82 per diem compensation authorized in Section 25-3-69 for the
83 discharge of official duties at meetings called in accordance with
84 Section 59-7-409.

85 In the first instance, the two (2) commissioners appointed by
86 the Governor shall be appointed for terms of five (5) and four (4)
87 years, respectively, from the date of appointment; one (1) member
88 appointed by the board of supervisors shall be appointed for a
89 term of three (3) years from the date of appointment, and the
90 members appointed by the governing authorities of the municipality
91 shall be appointed for terms of two (2) and one (1) years,
92 respectively, from the date of appointment. The additional member
93 appointed by the board of supervisors shall be appointed to a term
94 of five (5) years. After the first appointments, thereafter each
95 member appointed shall be appointed for a term of five (5) years.

96 The commission shall, upon appointment, organize as provided
97 in Section 59-7-409.

98 A port commission created under this article may be dissolved
99 by the governing authorities of the municipality as provided under
100 Section 59-7-408.

101 **SECTION 3.** The following shall be codified as Section
102 59-7-408, Mississippi Code of 1972:

103 59-7-408. (1) The governing authorities of a municipality
104 may dissolve a port commission created under this article by
105 adopting a resolution in which they determine that the dissolution
106 of the port commission is in the best interest of the citizens of
107 the municipality and authorizing the municipality to assume the
108 powers and duties of the port commission.

109 (2) After the adoption of the dissolution resolution, the
110 port commission shall enter into an agreement with the
111 municipality which shall provide for:

112 (a) the transfer of all powers, duties, and
113 responsibilities of the port commission to the municipality;

114 (b) the transfer of all property and assets, real and
115 personal, of the port commission to the municipality;

116 (c) the assignment of all contracts, leases, agreements
117 and revenue generated by the port commission to the municipality;

118 (d) the assumption by the municipality of all just
119 claims and obligations of the port commission associated with the
120 operation and maintenance of the port facilities; and

121 (e) any other provisions necessary for the
122 implementation of the dissolution.

123 (3) All tax levies and assessments used for existing bonded
124 indebtedness shall continue until such indebtedness is paid.

125 **SECTION 4.** This act shall take effect and be in force from
126 and after its passage.