

By: Senator(s) Hewes, Gollott

To: Ports and Marine Resources

SENATE BILL NO. 2779

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
4 SECTION 59-7-408, MISSISSIPPI CODE OF 1972, TO PROVIDE PROCEDURE
5 AND REQUIREMENTS FOR THE DISSOLUTION OF A MUNICIPAL PORT
6 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, are hereby given the authority to
16 engage in, either directly or through the commission hereinafter
17 provided and designated, and such other agencies as hereafter may
18 be provided by law, works of internal improvement, or promoting,
19 developing, constructing, maintaining and operating harbors or
20 seaports within the state and its jurisdiction, and either
21 directly or through the commission hereinafter provided for, with
22 the power and authority to acquire, purchase, install, rent,
23 lease, mortgage and/or otherwise encumber, to construct, own,
24 hold, maintain, equip, use, control and operate at seaports or
25 harbors, wharves, piers, docks, warehouses, cold storage
26 facilities, water and rail terminals, airplane landing fields and
27 strips, and other structures and facilities, needful for the
28 convenient use of the same in the aid of commerce and navigation,
29 and including the dredging of channels and approaches to the

30 facilities, and being authorized to fill in and reclaim
31 bottomlands where incidental and necessary to the foregoing
32 development.

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

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

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

56 (4) The municipal authorities or commission herein provided
57 for, in the exercise of the powers granted hereunder, shall have
58 the right to provide any of the aforesaid facilities alone or in
59 collaboration and in conjunction with any other public bodies,
60 entities or commissions, as may now or hereafter be established by
61 law.

62 (5) The municipal authorities or commission herein provided
63 for shall have specifically the authority to provide, among other
64 harbor facilities, small craft and pleasure craft harbors and
65 facilities needed therefor, including park and recreational
66 facilities as an adjunct thereto, and in order to develop and
67 promote tourist and recreational trade in the port.

68 (6) The municipal authorities or commission herein provided
69 for shall have the further power and authority in carrying out the
70 provisions of this article, to employ engineers, attorneys, and
71 such employees as may be necessary in carrying out the provisions
72 of this article, from time to time, and for the purpose of
73 operating the facilities herein provided for, and shall be
74 authorized to prescribe reasonable compensation in connection with
75 such employment.

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

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

91 In the first instance, the two (2) commissioners appointed by
92 the Governor shall be appointed for terms of five (5) and (4)
93 years, respectively, from the date of appointment; one (1) member
94 appointed by the board of supervisors shall be appointed for a

95 term of three (3) years from the date of appointment, and the
96 members appointed by the governing authorities of the municipality
97 shall be appointed for terms of two (2) and one (1) years,
98 respectively, from the date of appointment. The additional member
99 appointed by the board of supervisors shall be appointed to a term
100 of five (5) years. After the first appointments, thereafter each
101 member appointed shall be appointed for a term of five (5) years.

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

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

107 **SECTION 3.** The following shall be codified as Section
108 59-7-408, Mississippi Code of 1972:

109 59-7-408. (1) The governing authorities of a municipality
110 may dissolve a port commission created under this article by
111 adopting a resolution which must provide that the dissolution of
112 the port commission is in the best interest of the citizens of the
113 municipality and that the municipality assume the powers and
114 duties of the port commission.

115 (2) After the adoption of the dissolution resolution, the
116 port commission shall enter into an agreement with the
117 municipality which shall provide for:

118 (a) The transfer of all powers, duties, and
119 responsibilities of the port commission to the municipality;

120 (b) The transfer of all property and assets, real and
121 personal, of the port commission to the municipality;

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

124 (d) The assumption by the municipality of all just
125 claims and obligations of the port commission associated with the
126 operation and maintenance of the port facilities; and

127 (e) Any other provisions necessary for the
128 implementation of the dissolution.

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

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